# The Laws of Virginia now in Force, or which may be made so, by taking off the Suspension which some of them lye under as they are transcribed from the Records, in Anno 1697.

Reci: in S: Ed: ... chidroft Cur: ... Board. Julii ... June 1698. Vide ... Virgin: Cap: ... Anno R. R. ...

Note that where this mark ☞ stands in the Margent it points to somethings altered by a later Law, where the black line is drawn thorough, altho' not repealed in Direct Terms

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Mem: The remaining Acts not mentioned in this Index being only for repealing of others, and of no other force, or Acts repealed or Expired, or Private Acts; The particulars thereof are mentioned at the end of this Book, from fol: 288 to 297.





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# The Lawes of Virginia now in force, or which may be made so, by takeing of the Suspension which some of them lye under as they are transcribed from the Records in Anno. 1697

Note that where this Marke ⌐ stands in the Margent it points to Somethings altered by a later Law, where the Black line is drawn through, altho' not repealed in direct Termes.

At a Grand Assembly held at James City
the 23: day of March 166[illegible].

## 1. Church to be buiet or Chappell of Ease

Be it Enacted for the advancement of Gods Glory, and the more decent Celebration of his Divine Ordinances, there be a Church decently buiet in each parish of this Country unless any parish is now settled by reason of the scarsity or poverty of the Inhabitants, be incapable of suffering so great a charge: In which Case it is enacted. That such parishes shall be joined to the next great parish of the same County, and that a chappell of Ease be buiet in such places, at the particular charge of that place.

church to be buiet in each parish

Small parishes for to greater to have a Chappell of Ease.

## 2: Vestries appointed.

That for the makeing and proportioning the Levies assessments for building and repairing the Churches and Chappells, provision for the poor, maintenance of the Minister and such other necessary uses, and for the more orderly managing all parochiall affairs: Be it Enacted. That twelve of the most able men of each parish, be by the Major part of the said parish, chosen to be a Vestry; out of which number, the Minister & Vestry to make choyce of two Churchwardens yearly, as at, so in case of the death of any Vestryman, or his departure out of the parish, that the said Minister & Vestry, make choyce of another to supply his room. And Be it further enacted. That none shall be admitted to be of the Vestry that doth not take the Oathes of Allegiance & Supremacy to his Majesty and Subscribe to be conformable to the Doctrine & discipline of the Church of England.

Vestry consisting of 12 to be chosen by Major part of parishioners first

Minister & Vestry to choose upon death &c. Vestry man.

Vestrymen to take Oaths of allegiance

HER MAJESTY'S STATE PAPER OFFICE

## 4. Ministers to be Inducted. 1642.

That for the preservation of purity & unity of Doctrine and discipline in the Church, and the right administration of the Sacraments, no Minister be admitted to officiate in this Country but such as shall produce to the Governor a Testimoniall, that he hath received his

Ministers to produce testimonials & be admitted

Ordination from some Bishop in England, and shall then Subscribe to be conformable to the Orders and Constitutions of the Church of England and the Lawes there established; upon which the Governor is hereby requested to induct the said Minister into any parish, that shall make presentation of him: and if any other person pretending himself a Minister, shall contrary to this act presume to teach or preach, publickly or privately; the Governor & Councill are hereby desired and impowered to Suspend & Silence the person so offending and upon his obstinate persistance, to compell him to depart the Country, with the first Conveniency, as it hath been formerly provided by the 22.th act made at James City the second of March 1642.

## 5. Ministers to provide Readers. 1661.

That every parish not having a Minister to officiate every Sunday, do make choyce of a grave & sober person of good life and Conversation to read Divine Service every intervening Sunday at the parish Church, when the Minister preacheth at any other place.

## 6. Liturgie to be read.

That the Cannons Set down in the Liturgie of the Church of England, for Celebrateing Divine Service and administration of the Sacraments; be duely observed and kept; and that the whole Liturgie according to the said Injunctions be by the Minister or Reader at Church and Chappell every Sunday throughly Read.

## 7. Church Catechism.

That neither Minister nor Reader teach any other Catechism then that by the Cannons appointed and injoyned in the book of Common prayer; and that the Minister expound no other then that that our fundamentalls at least may be well laid; and that no Reader upon presumption of his own abilities do attempt the expounding that or any other Catechism or the Scriptures.

## 8. Ministers to preach weekly.

That the Ministers of every parish preach constantly ove-

very Sunday (viz) one Sunday in a month at each Chappell of Ease in this parish. if there be any; and the other in his parish Church & that twice a year at least he administer the Sacrament of the Lords Supper there.

to administer the Sacrament twice a yeare

## 10. January the 30th to be kept a Fast.

Whereas our late Surrender & Submission to that execrable power that so bloodily murdered the late King Charles the first, of ever blessed memory, hath made us by acknowledging them guilty of their crimes, to shew our serious and hearty repentance & detestation of that barbarous act: Be it enacted, that the thirtieth of January the day the said King was beheaded, be annually solemnized with fasting and prayers, that our sorrows may expiate our crime and our tears wash away our guilt.

January 30th a fast Day.

## 11. May 29th to be kept holy.

Since God of his mercy hath been pleased to restore our late distressed Kingdoms to Peace & unity, and his late distressed Majesty to the throne of his Royall Ancestors: Be it enacted, that in testimony of our thankfulness and joy, the twenty ninth of May, the day of his Majesties birth & happy restitution, be annually celebrated as an holy day.

May 29th an holy day.

## 14. Buriall of Servants or others privately prohibited.

Whereas the private buriall of servants & others give occasion of much skandall against divers persons, & sometimes not undeservedly of being guilty of their deaths; somewhich, if the persons suspected be innocent, there can be no vindication; nor if guilty, no punishment, by reason they are for the most part buried without the knowledg or view of any others then such of the family, as by vertue of Polacebo, as brother & husband & wife or child are unwilling, or as servants are unwilfull to make discovery of murther are committed, for remedy whereof, as also for takeing away that barbarous custome of exposeing the corps of the dead by makeing their graves in common & unfenced places to the prey of dogs, and other vermin: Be it enacted, that there be in every parish, besides four or more places appointed, according to the greatness or

private buriall forbidden

persons to be buried in places appointed

Churchwardens to keep Church in repair provide books &c.

to collect Minister dues.

to assess & levy

all births burialls & marriages to be registred.

Illsonor of the same, to be set apart & fenced in, for places of Publick buriall, for that precinct; and further that before the Corps be buried, there be at least three or four of the neighbours called who may in case of Suspicion view the Corps; and if none yet attending to the present custom of all Christendom they may accompany it to the grave. And be it further enacted, that no persons whether Free or Servants, shall be buried in any other place then there so appointed: unless such, who by their own appointment in their life time, have signified their desire of being interred in any particular place elsewhere.

## 15. Churchwardens to keep the church in repair, and provide Ornaments.

And it is further enacted, that the said Churchwardens take care and be impowered during their Churchwardenship to keep the Church in repair, provide books and decent Ornaments (viz.) a great bible, two Common prayer books, a Communion Cloath & Napkins, a Pulpit and Cushion this present year; and after annually something towards Communion plate, Pulpit cloath & bell, as the ability of the parish will permit: and that they the said Churchwardens, do faithfully collect the Ministers dues as shall from time to time be brought to convenient places: and honestly pay them; and that of all their disbursements and receipts they give a true account to the Vestry, when by them required, who are impowered by a former Act of this Act, to levy the same upon the parish; and by this to give the said Churchwardens a sufficient discharge.

## 16. Registers to be kept by the Ministers or Readers.

Whereas many differences do frequently arise about the age of Orphants, and enquiries are often made for persons imported into this Country and here deceased (and no positive Certificates can be granted of the age of one, or death of the other, by reason no Registers have been kept with might by the Statute there ordered, ordained the same: Be it therefore enacted, That the Minister or Reader of every parish shall well truly & plainly record all births buriales or marriages, that shall happen within the precincts of that parish

in a book to be provided by the Vestry for that purpose. and if any master of a family or other person concerned shall omit the giveing notice to the said Minister or Reader of the day of the birth, death or marriage of any to him or them related the space of a month, such person for such his neglect be fined One hundred pounds of tobacco: And that the Minister have for their entry of such birth death or marriage three pounds of tobacco, and if they neglect entring the same as aforesaid that they be fined upon discovery made of the said neglect five hundred pounds of tobacco to the use of the parish-

the neglect of the person fined 100 lb.

of the Minister 3 00 lb. tobacco

Vide. Cap. 11. 1696.

## 17. Licences for Marriage how to issue.

And whereas many times Licences are granted and the persons are married out of the parishes, which Licences have been usually granted by the Governor, whose knowledg of persons cannot possibly extend over the whole Country: Bee it enacted. that hence forward, all persons desireing Licence for marriage shall first repair to the Clerk of the County Court and there give bond with good security, that there is no lawfull cause to obstruct their said marriage; and upon receipt of such bond, the said Clerk shall write the Licence and certify to the first in Comission for that County or such other whom it shall please the Governor to depute that he hath taken a bond, as aforesaid; who by virtue thereof, shall signe the said Licence, and direct the same to the Minister. And to the end that the legall Grant of the said Licence, may be made evident and the Governor ascertained of his just dues: It is further enacted, that the said Clerk shall yearly, in September Court, return the names of the parties married, and of the security, to the Secretaries office, there to be recorded; and further, that he deliver an account of the fees due for the said Licences, to the Sheriff or Collector of the County, who is hereby required to collect the same with the rest, and to make payment thereof to the Governor

Marriage Licences how granted

Clerk yearly to return and. of Marriage Licences to the Secr: office.

Govr. fees how to be collected.

and others to whom they are due: And any Clerke makeing default in any of the premisses to forfeit One thousand pounds of Tobacco, to the use of the Governor. The fees for the Licences to be as followeth (viz:) to the Governor Two hundred pounds of Tobacco or twenty shillings sterl; to the Clerk for writeing the bond Licence certificate, and returning the same to the office, fifty pounds of Tobacco; and to the Secretary for Recording the same in the office, as aforesaid, forty pounds of Tobacco; and the Minister marrying with a Licence, two hundred pounds of Tobacco or twenty shillings sterling; if by bonds, fifty pounds of Tobacco, or five shillings.

fees about licences what.

18. Provision for a Colledg

Whereas the want of able & faithfuce Ministers in this Country deprives us of those great blessings and mercies that always attend upon the Service of God, which want by reason of our great distance from our Native Country, cannot in probability be always supplyed from thence Be it enacted that for advance of learning Education of Youth supply of the Ministry and promotion of piety there be land taken up or purchased for a Colledge and free school, and thereto with as much speed as may be convenient housing erected thereon for entertainment of Students and Scholars.

Whereas An Ancient practice of this Country, but contrary to Law and reason ignorantly vested the lands of persons into the hands of Administrators of intestate or such persons have purchased, and hold their lands by no other title, then such Sales which can be of no validity against the claim of the King, whom no time can prescribe, & to whom if an heir appear not, the land must of necessity descend. And if the King should at any time give express order to an Escheator to make Inquiry into the titles held by; the said Escheator cannot by virtue of his office but find all such lands for the King, which we Francis Moryson & Thomas Ludwell who are at present intrusted by his Majestie Treasurer to make Composition for all Lands so escheated to his Majesty, taking into our serious consideration and out of our tender care of many poor men, who by the loss of lands thus surreptitiously purchased & honestly paid for; and out of our sense of the many inconveniences & great damages would fall upon them by being thrust out of their possessions, by the severity of a too rigorous Escheator; and that on the other side, we might not seem to debarre his Majesty of his just Rights: we have thought it Convenient to propose a certain Rule for compositions for all lands held by any pretended right two yeares, by which, while the power is in our hands, we shall proceed: and if hereafter any shall be of a favour we shall join with them, making it our Request to Major Norwood, his Majesties

Treasuror, to get his Majesty to confirm them, that no succeeding executor may at his pleasure rigorously exact their own moderate and reasonable demands.

1. We Conceive that any person having been two years in possession of any land that ought to have been vested in his Majesty by escheat, shall pay for her composition but one hundred pounds of tobacco for every fifty acres, besides the fees for finding the Office & drawing the Conveyance. 2. That every person having been so in possession two years as afores^d. shall have eight moneths time to petition for & make their Composition; but if they doe neglect, and another sue for it & obtain it they can impute the blame to nothing but their own neglect. 3. That where there is a widow, she shall enjoy the land of her husband during her life & be admitted in the first place to make her composition for the fee simple, in case she signify her desire within the time aforesaid. That all lands escheated before the two years afores^d. the person concerned shall pay for his Composition as afores^d. but all lands which shall hereafter lapse, or w^ch have lapsed within the two years last past the Composition to be made for, with those by his Mat^s treasurer appointed & authorized hereunto. & that a widow be admitted in y^e first place, she making her claim within 8 months according to the proviso above said.

Rule, about Escheats.

20: Actions to be proportioned.

Be it enacted that Warrants be issued by the Clerks of the Generall Courts, and the said Clerk so proportion the number of his actions, that there be for each day twenty, and that until there be twenty actions entred for the first day, no warrant issue for the second; and then twenty for the second before any issue for the third; and so proportionably twenty per day, for so many dayes as there are actions to fill with that number. It being unreasonable that the Governor & Counsell should wait a week for a straggling busines entred at a particular mans pleasure. And in case any Special Warrant issue that for the extraordinary ease of the business may require the governors own signing. It is Enacted that the person sueing go to the Clerk, and there enter his action, and the day of the return before his Warrant shall be signed. And whereas some struples have arisen about the time warrants may be served (viz.) whether ten dayes before the return, that is the day mentioned in the writ to appear: It is hereby declared, that Warrants may be served at any time, if there be ten dayes between the serveing the return as aforesaid, and further that it may be done in Court time for the same Court, if there be ten dayes between the serveing.

twenty actions for a day.

Rule for a Special Warrant.

in what time warrants may be served.

Vide Act 9. 1662

21. Courts to sit from eight to eleven of the Clock in the forenoon: from one to three afternoone.

How long Courts to sit.

Be it also further enacted, That the Court shall each day sit from eight of the clock till eleven in the forenoon, & from one to three in the afternoone: And for avoiding all errors that may happen in the draught for the Orders by the Clerk, either through his misapprehending the sense of the Court, or the partiar Information of any person concerned, which he being distracted with the multiplicity of business, may unwittingly assent to: That all Orders of the day be by the Clerk drawn up against next morning, & then read in open Court (in presence of the Defendant if they will be present) when Rule will be given by the Court for amendment of Errors, if any be found they be entred upon Record; and the Plaintiff or Defendt if they have any new matter of plea shall then have liberty to plead it in arrest of Judgment. And the Orders thus publickly read & confirmed, shall be signed by the Secretary which shall remain upon file in the office for the further justification of the Clerks, who is to enter them in the book of Records.

Court Orders to be read next morning & signed by

Mr. Secretary.

22. The Plaintiffe to file his Declaration three dayes before the day of hearing.

And whereas the Clerk is injoyned to enter twenty actions each day, and the Court to sit at certain hours; so also be it hereby enacted, that the plaintiff file his declaration in the office at least three dayes before the day of hearing: in which time, the Defendant may take a copy thereof, the Original still remaining in the office, and provide his answer in writing, ready to present to the Governor & Counsell at the day of hearing: And further that if the plaintiff fail either in not appearing to prosecute, or in neglecting to file his declaration, as is hereby injoyned, he shall pay to the Defendant, if he liveth within fifty miles of James City, One hundred & fifty pounds of tobacco for a nonsuit; and if the doubt further off, then three hundred & fifty pounds of tobacco besides his ammerciament

Declaration when to be filed.

penalty for not following.

Nonsuit how much

to the pusticke. And if the defendant make default the judgment to pass against the bayle for the thing sued for; or if the bayle be returned then against the Sherrif besides his Amerciament of one thousand pounds of tobacco laid upon him by act for not making returne. Provided, that the bayle & Sherriff have respit of execution until the next Court, whom if they bring in the person of the party, the judgment of the last Court granted to be vacated; but the amerciament awarded against the Sherriff to continue and not to be remitted.

Sherr fines for no returne of bayle

23. Adjournment to the two last dayes for determination of References by Avisare Volumus, or Actions entred in Court time.

And whereas the act injoins the proportioning so many actions to a day, but gives liberty to arrest in court time to the last dayes of the court. And whereas some cases of difficuelty may be propounded, upon which the Court may desire to advise: Be it therefore enacted, that assoon as the court hath sat so many dayes as are filled with actions, it shall be adjourned to the two last dayes of that court; and whatever the Court hath referred by their Avisare volumus, and all actions entred in court time aforesaid, shall be then tryed and determined.

two last dayes of the court for tryall of References by Avisare Volumus.

24. Criminall Causes to be tryed at the Generall Courts.

Whereas most of the greatest abilities both for judgment and integrity do usually meet at the generall Courts, whither their occasions do frequently call them, and because any thing that concerneth life or limb, requires the assistance of juries to enquire of it: Be it enacted, That all Criminall Causes that concern either life or member, shall be tryed at the generall Courts, only the fourth day of the said Court and because the Lawes of England doe enjoyn juries to be chosen out of the neighbourhood where the fact was committed, according to which the remoteness of our habitations doth not admit us so fully to practise as we desire; yet that we may come to them as near as possibly we may, and because it is very requisite that

Criminals only tried at gen. Court

part of the jury at least should come from thence, who by reason of their near acquaintance with the business may give information of divers circumstances to the post of the jury. Bee it therefore enacted, that Immediately after the Committment of any person for crime criminale by the grand Inquest the Sheriff of the County to whose custody he is committed, shall give notice thereof to the Secretaries office at James City, and the Clerk of that office shall presently send a Venire facias to the said Sheriff to impannel six men of the ablest and nearest of the habitacon of his County to that place where the fact was committed to be of the jury for tryall of that cause returnable the said fourth day of the next Generall Court where the said jurymen are bound to appear; and for their charges, the County shall allow to each man twenty pounds of tobacco per day, for each day they may be reasonably coming to & returning from James City. and fifty pounds of tobacco per day during their attendance there about it (viz) from the day they are by the writt to appear, until they be discharged, and that the post of the jury be made up of the bystanders.

a Venire to go for six jurymen of the neighbourhood.

jurymens fees what

28. Subpenas to be issued by the Clerk.

Bee it also enacted that the Clerk of the Generall Court shall issue Subpenas from the Secretaries office for all evidence required in the tryall of any cause thereto depending, if the witnesse required do not dwell beyond the bay or the Northside of James River: and if they doe that then a Dedimus Potestatem shall issue for taking the deposition in the County or Countyes where the witnesse do dwell. provided always, that in criminall causes all witnesse be bound over to give in their evidence viva voce at the tryall in the Generall Court.

when the Clerk shall issue Subpenas & when a Dedimus potestatem.

Witnesse in Cases criminall shall be to give evidence viva voce.

29. **Dedimus Potestatem how to issue:**

Whereas many causes betweene partie and partie are left for want of evidence: who living so far remote cannot, but at a charge & expence far exceeding the value of the Cause, be brought to give it viva. voce at the Generall Court or at the County Courts, if the party dwell out of the County, or else a greater mischief is introduced, by the partiall & illegall examination of Witnesses in presence of but one party before some one Commissioner, perhaps too favourably inclined to the party in whose behalfe the Depositions are taken, besides the trouble expence and hinderance of the Witnesses themselves who many times are forced one hundred miles from the place of their residence for a small allowance to give evidence in tryalls of petty & inconsiderable value for remedy whereof & that all parties may with more conveniency, less trouble & cost have their evidence impartially & legally taken. It is enacted & Confirmed. that if the Cause be to be tryed at the Generall Court, the Governor if in any County Court any one of the Commrs or the judg of the Court, shall grant & Sign a writ of Dedimus Potestatem for examination of Witnesses, in the Countries where they dwell, directed to three such persons as the plaintiff & defendant if they both desire the writ shall by consent make choyce of & nominate. But if the the single request of either plaintiff or defendant, then the Governor Commrs or or judg of the County Court, out of Court shall nominate & appoint three or more such indifferent persons to examine all such witnesses, as by the party desiring the writ they shall be moved to examine before them. And to this end the Commissioners thus made choyce of or appointed to execute the Writ or any two of them, shall by the said Writ be impowered and re-

Vide act 5. 1682.

a Dedimus Pot. in ca: case to be granted by whom.

& to whom it shall be directed.

the power given by a Dedimus.

quired to appoint a time & place, when and where they will receive the evidences, and to issue out Subpœna's for their appearances accordingly; and if upon such Summons any of the witnesses refuse or neglect to come & give in their evidences then the Comissioners, or any two of them be further impowered by this act to lay such a fine upon them as the Act of assembly gives in such cases for Non appearance of witnesses at the Generall or County Courts. Provided alwaies, that the partie procureing the writ, shall give the party Concerned against him, notice of the time & place when and where the Comissioners intend to sit, at least ten dayes before the day appointed by the said Comissioners for putting it into Execution. And, Be it further enacted, that the said Comissioners or any two of them, which take the said examinations, shall immediately Subscribe them, seal them and the writ up and return them with the writ so sealed up, to the Clerke of the Generall Court, if the writ issue from the Governour or else to the Clerk of the County Court, whence the warrant issued by either of the said Clerks, to be read at the time of the tryalls of the cause in either of the said Courts

Witnesses not appearing fined.

where the Dedimus is to be returned.

## 30. Penalties for non appearance of evidences.

And that all Witnesses Summoned to give in their evidences at either of the said Courts, shall be allowed for their necessary time spent in coming & going to & from the said Courts twenty pounds of tobacco per day; and for the time they attend there, more they have given in their evidences, forty pounds of tobacco per day, and because many maliciously to aggravate the charge of the Suit Summon many more witnesses then are needfull, Be it therefore further enacted that there shall not be allowed in any bill of costs, the charges of above three witnesses to any one action, unless for proof of divers all matters incident thereunto, which Generally may require the attestation of two witnesses.

Vide Act. 3. 1634

Vide act. 3. 1634

what number of Witnesses shall be allowed in bills of Cost.

## 31. County Courts appointed.



Be it also enacted for the more due administration of Justice in the several Counties and the greater ease of the people in obtaining the same, The Courts be continued in each County, as of long time hath been accustomed. And that the said Courts doe consist of eight of the most able honest & judicious persons in the County: which eight or any four of them, whereof one to be always of the Quorum, are to be impowered by Comission from the Governor for the time being, to act according to the Lawes of England, and of this Country; and be impowered them severally and out of Court, to act & doe all such things as by the Lawes of England are to be done by Justices of Peace there. And be it further enacted, that those persons thus comissionated take the Oathes of Allegiance & Supremacy and the Oath of a Justice of Peace: that they be called Justices of Peace; That the Courts be stiled County Court and further that the Justices do keep the said Courts precisely upon the dayes appointed by this and for their each of Ayomoby viz.

County Court how formed

Justices to take ye Oathes.

| | |
|---|---|
| Henrico the 1. day. | Northampton the 28. day. |
| Charles City the 3. day. | New Kent the 28. day. |
| James City the 6. day. | Gloucester the 16. day. |
| Isle of Wight the 9. day. | Lancaster the |
| Hanzemund the 12. day. | Rappahanoc the |
| Lower Norfolk the 15. day. | Surry the |
| Elizth City the 18. day. | Northumberland the |
| Warwick County the 21. day. | Westmorland the |
| York County the 24. day. | |

And all adjournments by all meanes possible to be avoyded: And that all the justices of the said Courts respectively, shall duely attend the same, and shall not depart or absent themselves from thence without the licence & consent of the rest of the Justices there present, and if any of them shall happen to have a lawfull cause of absence, it is thought fit, that in such case they shall upon the first day of the Court, signify the same to the Court by writing; and that they make good proof of the truth thereof, at the next ensueing Court, or shall forfeit for every time of their else being delinquent and the present every Justice to offenders

Justices to attend at Court under a penalty.

absence, three hundred pounds of tobacco to be imposed by the Court, and disposed of to the good of the County.

## 32. No arrest without entry of action.

Be it also enacted, that all Actions to the County Court, and subpoenaes for witnesses, or in Chancery; be first entred with the Clerk of the County, or his known deputy, before any arrest made or Summons served, under penalty of five hundred pounds of tobacco, to be levied upon the Sheriff that shall presume to serve any process, contrary to the tenor hereof. And Be it Enacted, that the plaintiff in any action shall at least the day before the Court, enter his bill of complaint, and leave it in the Clerks hands, that the defendant if he will may have a copy thereof and accordingly provide his answer; but the Original declaration or bill to be always filed in the office.

penalty of arrest & out entry of Action

Decl. action to be filed.

## 33. The Defendant to put in his answer.

And Be it further enacted that for the better regulating & keeping the Records and transferring the precedents to Posterity; as also for prevention of new Suites, upon mistake of the grounds of Orders, that the plaintiff both in Generall Court & County Courts file his Declaration; & the defendant in both those Courts shall also put in his answer in writeing; and that the judgment, if for the plaintiff, be ordered on the declaration; if for the defendant on the answer; and further that all evidence concerning that Cause be filed together with them, and by the Clerke carefully preserved.

Def. to put in an answer in writeing

order the judgmt. is to be ordered.

## 34. Form of entring the Court.

Be it also enacted, the form for entring the Style of the Court Proclamation for Silence, the Cryers calling the plaintiff, and the defendant to answer; be observed in the County Court as well as in the Generall Court, varying only in the title of the Court & the assessors

35. Court not to take Cognisance of any thing under two hundred pounds of tobaccoe. 22

And bee it enacted that the Court shall not take Cognisance of any cause under the Value of two hundred pounds of tobacco or twenty shillings Sterl: which a private Justice may and is hereby authorized & impowered to determine. And whereas many vexatious persons doe very much trouble the Courts and their neighbours for brabling words, sometimes passionately but not maliciously spoken: Bee it therefore enacted, That no Action be admitted for defamation in any Court, where the words are not actionable. And further that there be no words actionable, but such as if true might have brought the person to suffer punishment by Law any other to be cast out of the Court, and the plaintiff to be Nonsuited; not that liberty is hereby given, or intended to any scurrilous person to abuse others at his pleasure, but that his Majesties Courts be not for such brawles, forced to wave matters of greater consequence. And be cause offences of this nature may be determined by a particular Justice who is hereby impowered to bind the persons so offending to the good behaviour; or if they find not good security for the same to committ them to prison till they find it.

what Court shall take Cognisance of

what defamations are actionable.

36. Private Courts prohibited.

Whereas many things are acted, and administracons granted at private Courts, which tend to the apparent damage of divers of the Inhabitants of this Country Be it therefore enacted, that no private Courts be kept but that all business tryable or grantable by or at County Courts, be tryed & granted in open Court, at the limited & place by Law appointed. Provided always that it shall & may be lawfull, for the dispatch of merchants & other affaires, which cannot without much prejudice & detriment to the said Merchants

private Courts prohibited

except for seafaring men

or Masters be deprived till the Courts in Course should come;
It is enacted, that it shall be lawfull for any justice of the
Quorum, by his warrant directed to the Sheriff, to call a
particular Court, and to Summon any person or persons
before them.

have a private Court may be called.

## 37. Trialls by Juries.

Whereas the Seventieth act made in 1642 and continued
by the ninety first act, 1657. seems to restrain both plain-
tiff & defendant from tryall by juries, unless the plaintiff in
his declaration, or the defendant upon entry of his appearance
doe desire the same; which restriction is quite contrary to
the law of England, by which the tryall of all matters of fact
is as appropriated & inherent in the jury, as matter of
Law is in the judges: for which cause and that we may in
all our tryalls come as near as may be to the Laws of
England, by which we are to be governed, as our present ca-
pacities will admit: Be it enacted that every morning the
Court sit, whether the Generall or County Courts, the Sheriff
of the County in which it sits, shall nominate a jury to at-
tend the Court that day to try such causes, as the Court
shall find proper to be referred to them; and that when-
ever a jury is sent out, an officer sworn to that purpose
shall keep them from meat and drinke, until they have
agreed on their Verdict.

juryes to be Summoned with in Gen.ll & County Courts.

## 38. Grand juries to present Offenders.

Whereas the Severall Lawes constituted & made for the redress
of Severall misdemeanors & offences, either through the re-
missness of the County Courts, or the Justices that keep the same
or else through the defect of the Lawes, in not appointing
some peculiar officers to look narrowly after the offenders,
and to make presentment thereof to the said Justices at
their County Courts; by which meanes the Lawes themselves
are slighted and contemned, and become wholly useless and

ineffectuall; Be it therefore enacted and confirmed, that Justices of August be injoyned & sworn in every County to enquire of the breach of all penall Lawes in their Respective Counties; and that they make presentment thereof to the Severall County Courts twice yearly (viz.) in April Court and December Court, when the Justices are to receive them & find them accordinge to law; and to take for evidence the presentment of the jury, if made upon the certain knowledge of any of them; or otherwise the parties that informe the jury to give their evidence to the next Justice, in presence of the party presented; which Deposition beinge produced by the jury with their presentment, shall be sufficient ground for the Court to pass judgment against the offenders.

grand juries to ingage a year to make presentment.

what shall be convicting on a grand juries presentment.

39. Pillories to be erected at each County.

Whereas in many offences are punishable by the Lawes of England, and of this Country, with Corporall punishments, for executeing whereof no such provision hath been made, as the said Lawes require: Be it therefore enacted that in every County the Court cause to be sett up a pillory, a pair of Stocks, a whippinge post near the Courthouse, and a Ducking Stool in such place, as they shall think convenient, that such offenders as by the Lawes are to suffer by any of them may be punished accordinge to their demerit: and the Court not causeinge the said pillory whippinge post Stocks & Duckinge Stools, to be erected within six months after the date of this Act, shall be fined five thousand pounds of tobacco to the use of the Publicke.

Pillory Stocks and whipping post to be sett up in each County.

under penalty of 5000 lbs.

41. Supersedeas by whom and how granted.

Whereas the Writ of Supersedeas hath of late been too frequently granted upon slight pretences of Error in the Court, thereby not only injuriously delayinge Justice

23

and keeping men from their just dues, but also bringing calumnies and aspersions upon the Court themselves: Be it therefore enacted that no Superseddeas what soever, shall hereafter be granted but by the Governor, and two of the Council; nor by them, unless the party desiring it, make it probably appear to them, that there is error in the judgment; and shall then also give good Security to make good his plea; and if he be cast at the next Generall Court, to pay the principall with five and twenty per cent damages, besides cost.

Cohe are to grant a Supersedeas.

damage on Superseded being cast.

44. Sherriffs to be chosen in the Comission.

for asmuch as the Commissioners of County Courts, are by the Lawes of this Country answerable for the several Capitall tryalls of each County, of which the Sherriff is usually the Collector Be it therefore enacted that none but one of the Commissioners of each County shall be Sherriff for that County, and further that the Commissioners shall exercise the Office of Sherriff succesively as they hold their places in Commission each one a whole year, and no longer; Provided that every such Commissioner, before he be admitted to take his Oath, give in good Security for the due execution of his Office and performance of the trust committed to him, and then his Oath to be administred to him. And be it further enacted that no under Sherriff shall execute the Office of under Sherriffry same County above one year: Provided always that the Sherriffs of James City, who are more immediate Officers then any other to the Generall Court, and the Publick shall be left to the Governor, his choyce: and further that if the Governor see cause for the better promoteing any of his Majesties especiall Services, it shall be left to his discretion to pass by any person in any other Comission and to give the place to those in the Comission, he shall think most meet, to supply the exigent of the present occasions. but because the Lawes as well of England as of this Country prohibit the executeing the Office of Sherriff by any person two years toge-

none but Comiss to be Sher.

Sher: to serve but one year.

nor undersherr.

a Proviso

thor, the Governor is earnestly desired by the Assembly in any of his elections not to infringe those Lawes.

45. Sherrifs not making return.

Whereas the Sherrifs, often through neglect, often for favor to the debtor, omit the serveing the process to them directed, and makeing returnes thereof according to law; by meanes whereof the Courts are prolonged, Justice is delayed, and the partie by their attendance & expenses very much endamaged: Be it therefore enacted, That every Sherrif failing to make sufficient Returne (that is, that the writ is executed, and the name of the bayl taken) of any warrant to him directed three dayes at least before the day of the return of the Writ in the Generall Court, and two dayes before the County Courts, shall be amerced One thousand pounds of tobacco; One half to the plaintiff if he sue for it, and the other half to the County; provided that the said plaintiff proove the delivery of the warrant to the Sherrif.

Sherrif for non returnes fined 1000 lbs.

46. Sherrifs to take bayle.

Be it also enacted, that all Sherrifs shall take Sufficient bail of all persons arrested, and perform the award of the Court, and if the Sherrif shall neglect to take Sufficient bail of the party arrested, or otherwise consent to be the cause of his escape, then the said Sherrif shall be liable to pay the award of the Court himselfe, and shall also pay, in case the consent to his escape be proved One thousand pounds of tobacco, One halfe to the Publicke, the other halfe to the party grieved, for his delay in recovering the debt; but if bayle be taken, and the party appeare not to answer the suit then judgment shall be awarded against the bail: Alwaies provided that the Sherrif or bail shall if they desire it, have an Attachment against the estate of the party arrested, and not appearing. And further that if the Sherrif or bail, shall the next Court after that to which the Arrest was made

Vide act 24. 1666.

penalty for Sher not taking bayle

Attª to Sherrifs Security.

bring forth the body of the party so arrested to answer the suit, then the Sherrif or bayle shall be acquitted for the judgment passed against them.

## 45. Non est Inventus.

Be it also enacted that if any Sherrif shall return a non est inventus upon which an Attachment by a former act hath been usually granted, when perhaps neither the Sherrif nor his officer have been at the house of the defendant to the great damage and disparagement of the said defendt by having his goods attached; Be it therefore enacted, that henceforth, the Sherrif or his officer shall declare upon one of their Oaths, that he hath been at the house of the defendant and hath there left a copy of his writ before his return non est inventus be admitted; and if he shall refuse to make such oath then order to pass against him according to the Act for Sherrifs, but if the return be proved, and allowed in Court An attachment shall then after three Summonings y^e defendant by proclamation issue against his estate returnable the first following. where if the defendant appear not, to reverse the attachment judgment shall be granted to the plaintiff for his debt being made evidently appear to the Court that it is justly due to him.

when a non est inventus may be returned.

attachment. on a non est inventus.

## 46. Appriisement of goods

Be it enacted for the equall appriisement of goods seized by execution, that the plaintiff and defendant shall chuse each of them two indifferent men for that purpose; and in case of disagreement the said four or any three of them shall chuse an umpire; which Umpire so chosen shall be sworn by the next Commissioner to appriise such goods indifferently and his Umpirage to be final. And Be it further enacted that if plaintiff or defendant shall neglect to appoint appriisers within three days after execution is served, notice being given them by the Sherrif to whom the Execution was directed that then the Sherrif in such case of Neglect

by whom goods seized shall be appraised.

shall elect & appoint appraisers either for the plaintiff or defendant, for appraising the goods by him taken upon execution as aforesaid. And be it further enacted, That before such appraisement, his Sherriff shall not remove the goods out of the possession of the plaintiff, and the surplusage, if any be returned to him, but after appraisement made as aforesaid, the property to vest in the Sherriff for the use of the Creditor to whom the Sherriff shall give notice, that he may take them into his own possession and because there can be no averment against a record. It is further enacted that the Sherriff make return of this execution to that Clerke of the County that granted it by him to be entred upon Record, under the order it was issued upon, that so the Satisfaction as well as the judgment may be authentically proved if occasion require.

goods to remain in y^e possession of y^e Sheriff after appraisement

Ex^o to be returned to the Clerke.

49. No Commissioner Clerk or Sherriff to be Attorney in the Court where they officiate.

Be it enacted that neither Sherriff Commissioner, or Clerk of any Court within this Colony shall be permitted to plead as an Attorney in any persons behalfe in this Court where in he officiates. And the said Commissioner Sherriff undersherriff or Clerke offending herein shall for every default be fined one thousand pounds of tobacco to the use of the County. Provided always that if any poor person not able to plead his own cause, shall request the Court to assigne him one of the Commissioners to plead for him, it shall be lawfull for the Court to grant it and for the Commissioner to plead accordingly, but the Commissioners shall in pleading the poor mans cause not to give judgment therein. Provided also, That any Commissioner Sherriff, undersherriff or Clerk acting as Counsell or Attorney for any person absent out of the Country or County negotiating their affaires, and so liable to be sued

No Com^r to be Attorney

penalty 1000^l tobo.

a proviso y^t he may for a poor man

and for a person out of y^e Country.

for their employers, Such persons notwithstanding this act shall have liberty also to plead & prosecute in any cause that shall any way concern their said employers.

50: **Publication** of Writs for election of Burgesses.

Whereas frequent Complaints are made by the people, that they have no notice of the time appointed for the election of Burgesses, and by that means are deprived of giveing their voices in the election of their own Representatives. Be it enacted hereby ward, That the Sheriffs of the respective Counties shall upon the receipt of the writs, cause copies thereof with the days appointed for the election indorsed to be sent to the Minister or Reader of every parish in their County, who is to Read the same to the people two Sundayes successively, both in the Church & Chappell of Ease to it belonging, to the end that no person may pretend ignorance; and return the same to the Sheriff with his attestation subscribed, that he hath published the same according to the tenor of this act; which attestation shall be sufficient to discharge the Sheriff from blame: But if the Sheriff neglect to send copies as aforesaid shall to be fined two thousand pounds of tobacco, to the use of the County. And every freeman after such publication made, neglecting to come & give his vote at the day appointed for election shall be amerced two hundred pounds of tobacco, to the use of the County. And be it further enacted that if the Sheriff shall not before the day of the Return make his due Return of the Writ with the names of the Burgesses indorsed, into the Secretaries office at James City, the said Sheriff so neglecting shall be fined two thousand pounds of tobacco to the use aforesaid.

how writs for Burgesses are to be published.

Sheriff for neglect fined 2000 lbs

electors for neglect 200 lbs

Sheriff for neglect of return fined 2000 lbs

51. Publick Dettes to be first paid.

Be it also enacted that no Sheriff shall, where he receives tobacco of any person indebted for his levies, and also for fees, and other debts due to himself, or any other officer, and not paying the whole in kind, by which means for part thereof distress must be made, shall presume to convert the tobacco in kind, to his own or any other use; and forbid the Country Creditor to accept of the distress or stay for his debt. But that all debts due to the publick be first paid and the tobacco in kind paid to the Creditor of the Publique whose reputation is by those evasions often vilified: and that the Sheriff making default therein, shall be fined ten thousand pounds of tobacco to the use of the Publick, upon proof thereof made in any Court of Record in this Country.

Sheriff or Collr. to pay publique debts first.

penalty 10000 lbs.

52. The Sheriff upon the Justices of the treasurer or his Deputy to Collect the Quitrents.

And be it further enacted. That the Sheriff being his Majesties Immediate officer shall upon the instance of his Majesties treasurer or his Deputy hereof, be compelled to receive all such quitrents as the said Treasurer or his Deputy shall give him order to receive in his County and that the said Quitrents be paid as the Lords in the direct Species of tobacco or money. and that no particular fees or debts be preferred before them, under like penalty as for the payment of other debts before the Lords.

Quitrents how to be Collected & paid

53. List of Tithables how to be taken

Whereas the fraud of Sheriffs in bringing in the list of tithables hath very much augmented the taxes of the Country: Be it enacted, that for the better discovery of the number of tithables, each County shall be divided into several precincts: in each of which a Commissioner shall be by the Court appointed to take a list

method for taking list of tithables.

of the tithables, to be brought or sent in under the hand of the master of every family of the names and number of tithables he hath in his family; and if he bring in a false list, the said Master shall pay treble duties for every person so by him concealed. And be it further enacted that the said Commissioner give publick notice in writing, to be read & put up at the doors of the Church or Chappell of ease, of the precincts he is to take account of, and of the day he will receive them. Provided the day be before the 10th of June at farthest; at which time every person neglecting to bring in his list, as aforesaid, shall be adjudged a Concealer & pay accordingly; and every Commissioner failing in giving notice, neglecting to take the list conniving at others concealment or not giving a true list of his own tithables, shall also pay treble duties as aforesaid. And be it further enacted that every Comissioner in August Court following, shall deliver the accounts so taken by him, and the subscriptions of the several Masters of families to the Clerk of the County Court, who shall return under the list of the names to the Clerk of the assembly the first or second day of every September General Court.

Vide act. 7. 1663.

## 54. What persons are tithable.

Whereas several disputes have been made of what persons were tithable; Be it hereby enacted and declared that all male persons of what age soever imported into this Country, shall be brought into the lists, and be liable to the payment of all taxes. And all Negroe male or female being imported, shall be accounted tithable. And all Indian Servants male or female however procured being adjudged sixteen years of age, shall be likewise tithable. From which none shall be exempted but such Christians only, as are either natives of this Country

Vide act. 3. 1680.

or are imported free by their parents or others, who shall not be liable to the payment of Levies untill they be sixteen yeares of age, or such others, as by particular acts of Assembly are exempted. who by shall be at 16.

58. **No Arrests** to be made on the Sabaoth dayes.

Whereas it hath been the frequent practise of Sherriffs and their officers for their own gaine benefit, to repair to the Churches, and other places of publick meetings on purpose to serve warrants executions, and other writs, by which meanes, men in danger of arrests have been debarred from the service of God and the King: Be it enacted that no Sherriff nor his officer, shall from hence forth execute any writ or warrant upon any person or persons either upon the Sabaoth day or upon the day of humiliation for the death of the late King or other sad memory, or upon the dayes appointed for thanksgiveing for his Majesties happy inauguration, and for the deliverances of this Country from the two bloody massacres nor at the times of Generall Musters or election of Burgesses. Provided always that it shall be lawfull for the Sherriff or any other officer to pursue fleeing or to apprehend and carry to prison any person or persons for riots, felony, or suspicion of felony or escape out of prison when under execution upon any day at any place any thing in this act to the contrary notwithstanding. what dayes exempted from arrests. a proviso. to pursue fleeing &c.

60. **Commissioners** to take Security of Sheriffs.

Be it also enacted, that the Commissioners of every County shall be answerable to the Publicke for all Levies laid upon their County by Act of Assembly; And for the Sheriffs for for maine of his place and in regard thereof are hereby impowered, before the admission of any Sherriff into his office, to take such Security of him as they shall think fitt sufficient to save themselves harmeless, for the receiveing & discharging all publicke Sherriff to give Security for performe of his office.

Doctor, whether Inhonts Lords or Officers fees, comitted to his charge of Collection, and for the due performance of his office. Provided that no Comissioner shall be liable but such as were of the Comission when the defect was made.

61. Judgement before Comissioners.

Be it enacted that the voluntary Confession & acknowledgment of a Debt by the Debtor, under his hand & Seale, before two Comissioners, of which one of the Quorum, shall be accounted in Law, in the nature of a judgment; the said Comissioners attesting the same under their hands, and so certifying it to the Clerk of the County Court, to enter it upon Record; upon which certifying so acknowledged attested & recorded, Execution shall issue in case the debt be not paid, as if Judgment had been granted for the same in open Court. provided that if no execution issue within a yeare after such acknowledgment then a Scire facias shall issue, before any writ of execution shall issue forth.

how a judgment may be gott before two Com.

how Ex. is to issue thereupon.

62. Persons. removing into the Bay:

ffor avoiding of Creditors charges & troubles in recovering their debts by reason of divers persons removing themselves from the places where they contracted their debts into remote Cuntries: Be it enacted that no person whatsoever shall remove out of the County where he dwells, unles he first set up his name at the door of the Parish Church or Chappell where he dwells three Sundays together, and in the same expresse his intent of leaving the County, & certify the place he is about to remove to; and take certificate thereof from the Minister or Reader of the said Church or Chappell, and the Churchwardens of

what a person must do that intends to remove.

the parish, to the Clerk of the County Court, who shall grant him thereupon a license to depart. Provided alwaies, that if the said person so removing, pay not his debts contracted, before his removing, according to the tenor of the Specialties, by which they are due; It shall be lawfull for any of his creditors by a warrant from the Secretaries office to bring the Debtor personally, before the Governor or any of the Council for what Value soever the debt be of; and there put in sufficient Security for performance of this Obligation, according to the tenor thereof, in case the day of Payment be not past (any restriction in any other Act to the Contrary notwithstanding) and thereto take out execution against his body or estate for satisfaction of the said debt. And be it further enacted that if any person or persons shall before or after certificate obtained as aforesaid, remove or transport any Cattle out of the County he dwelled in, without notice given to four of the nearest Inhabitants, who are hereby required to take especiall notice of the Earmarke colour of the Cattle to be removed and make a list of them & their marks & carry the same Subscribed by the said viewers to the Clerk of the County Court to be recorded) he shall upon lawfull Conviction forfeit for every beast transported, contrary to the tenor of this Act one thousand pounds of tobacco, one halfe to the Publicke and the other halfe to him that shall make the complaint against the party so offending. And if any Sergeant Mariner or any other person whatsoever, shall transport any person

what must be done before removing of Cattle.

personally to appear

or persons out of his County without Certificate as aforesd. the said Merchant Mariner or other person so offending shall be liable to the payment of all the debts & engagements of the party transported, being due at the time of his removeall.

6. English Weights & measures.

Whereas dayly experience showeth, that much fraud & deceit is practised in this Colony by false weights and measures; for prevention whereof Be it enacted that no Inhabitant or trader hither, shall buy or sell or otherwise make use of in trading any other weights or measures then are used & made according to the Statute of Henry. Cap. 5 in that Case provided. And for discovery of abuses, Be it further enacted that the Com. of every County doe provide at the charge of the County, Scales weights of half hundred, Quarter ms half quarters, Iron pounds, four pounds, two pounds, 1nd pound; measures of ell & Yard, of Bushell half bushell peck & gallon of Winchester Measure; Gallon pottle, Quart, Pint of this measure out of England; and that the said weights & measures be kept by the first of every Comission at his house & with him a burnt mark of and a Stamp for Leaden weights; & proper for yt; whereby all persons not useing weights or measures brought out of England and Scaled there, shall bring all their barrells (which are to contain five bushells & other measures to be Scaled their Skilliards to be tryed; and all persons being by other weights or measures not Scaled & tryed as aforesaid, shall for forf One thousand pounds of tobacco, one halfe to the publicke, the

Every County to be provided with weights & measures from England

other waies to the party that shall make his complaint and if the Comissioners shall make default of producing such weights, measures, Scales & Stamps, as by this act they are injoyned by the first of December 1663 the said Comissioners shall be fined five thousand pounds of Tobacco, to the use of the Publicke. penaelty 5000lbs.

64. County Courts to grant Probate, and Administrations.

Be it enacted that the County Courts shall be impowered to grant probates of Will and administrations upon the estates of persons dying intestate, to take security, and receive the Inventories of the said estates: provided, that the Clerk of the County Court, whom he sends or carries the said Probates or Comissions of Administration to be signed, do then also certify into the Secretaries office the name of the Testator or Intestate deceased, the Executors or Administrators and their security, the County & parish where they dwell, and the Court where the Administration is granted; to the end that Strangers and other Creditors interested in the estate may be the better enabled to finde out the Records, in which the account of the estate is entred, and be informed how they may come to their just debts. County Court impowered to grant Probate & administrations. Duty of the Secretaries office.

65. Administracons to whom to be granted

Whereas Comissions of Administration are suddenly obtained and the Estate as suddenly disposed of, under the pretence of greatest Creditor or next of Kin, whereby oftentimes they that really are so, are the one defrauded of his just debt & the other debarred of his right & interest, before either can have notice of the Intestates decease: Be it therefore enacted, that no

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administration be granted until nine monthes after the quarter dotoage; except to the widow or child, and there to be immediately granted; the said widow or child bring-ing in sufficient security for performing all things the law requires and saveing the Court harmeles. And it is further enacted, that in case the said widow or child do administer, the estate shall be mentioned & appriſement made by four men appointed by the Court and sworn by a Justice of that Court as formerly which Inventory & appriſement shall by the said wi-dow or child, be brought into the next Court, held in that County: unleſs the Court for reasons shewed them, may think fit to grant liberty to bring it in the Court following. But in case the deceedent dyes without widow or child, then it is enacted that the estate for the better improvement thereof, be sold by the Court at an Outcry, and the purchaſer all putting in security, and acknowledgeing judge-ment for their debt, which by the Court shall be assigned to the several Creditors of the deceedent and paid according to the priority in law: and the Surplusage remaining if any, to be delivered to the next Kinsman of the deceedent if he appears or if none prove himself such within three yeards then the Court to give an account of the said Sur-plusage to the aſsembly who are to diſpoſe of the same to the use of the County; allowing to the Court, or whom they intrust for y^e manage-ing of it for his reasonable coſte & paines. And when the widow or child administer the Sur-plusage after debts paid & the Inventory charge according to the quality of the perſon allowed for shall be equally divided between the wid-ow & children (viz) One third of the personall estate to the widow, and the other two thirds among the children

Vide Act 1. 1650.

admon, when & to whom to be granted

Inventory & appraisement. to be made.

if no widow or child left estates to be sold at an outcry

if any of which dye before it come to age, his proportion to be devided amung the Surviveing children. estate, how to be devided.

And whereas it hath been the frequent evill practice of administrators assoon as they have obtained an order to administer to act as administrators by virtue of that Order, without giveing Security, or takeing out their Comissions so that the estate being imbezelled away the amount can be given Notice of. Be it therefore enacted that whoever pretends to administer upon any estate, shall bring to the Court sufficient Security before the Order shall be granted: and an Order thus obtained legacy, by giveing such Security to be truly accomptable to bring in a true Inventory, and to perform such things as the administrators by law and enjoined, shall not at any time after be produced, unless the party that obtained the same dye before he hath given an amount of the estate and obtained his Quietus. In which case, the Court is impowered to grant the administration of that estate not accounted for to some other person who may by virtue thereof call his heirs, Executors or administrators of the former administrators to account who shall pay out of the said dec.d administrators estate all such debts as shall be found due to the estate he administred upon in the first place adm.rs to give Security

66. Concerning Orphans

Concerning Orphans estates, Be it enacted, That all Wills and Testaments be firm & inviolable unless the Executors or Overseers, do refuse to execute the trust reposed in them by the Testator, in which case the Court may appoint some to act according to the Will; but if the said

will be so made that no person will undertake the ma-
nageing of the estate of education of the Orphans, at-
tending to the tenor of it; then that the estate by the appoint-
ment of the Court shall be managed according to the rules
set down for the Ordering the estate of persons in-
testate as followeth; first that no account be allowed
for dyet cleathes physick or else against any Orphans
estate; but they to be educated and provided for, by the
Interest of the estate & increase of their stock according
to the proportion of their estates, if it will bear it. but
if the estate be so mean and inconsiderable that it will
not extend to a free education; then it is enacted y
such Orphans shall be bound apprentices to some hand-
craft trade untill one & twenty yeares of age except
some Kinsman or Relation will maintain them for
the Interest of the small estate they have, without di-
minution of the Principall, which whether great or
small, always to be delivered to the Orphan at the
yeares appointed by Law. That all cattle horses & sheep
be returned in kind by the guardian according to age
and number, whereas he received them. And because he
ever all had, before the first making of this act, es-
tates of Orphans in their hands which they kept for
the male increase & giveing the yearly account of
the augmentation or diminution of the Orphans
stocks which by the Carelessness or wickedness of
the Guardians was usually consumed before they
came to age, and disputes thereupon arise in the
Orphans Courts, how such persons should be pro-
ceeded with, and accounts of Orphans estates, how
to be given them. It is hereby declared, that all
persons possessed of Orphans stocks before the
first making this act, shall be bound to deliver

Orphans to be maintained out of y. Interest of their estate.

if not Sufficient, bound apprentice.

Cattle horses & sheep to be returned in kind.

to the Orphan when he comes to age, such & so many of any kind as he was possest of, when he gave his account to the next Orphans Court succeeding the publication thereof. That all Plate & money be prosecuted and delivered in kind, according to the weight & quantity; that other houshold Stuff and Lumber be apprised in money & the value thereof paid by the guardian to the Orphan, when he comes to age in the Country Commodities at the price Current, as it shall be cor that the time in the place where the orphan estate is managed. That the Court take able and sufficient Security for Orphans estates, and enquire yearly of the Security: and if the Court see cause, to have it changed, and called in and placed as the Court shall think fit. the said Court to enquire also, whether Orphans be kept in aul taught and educated according to their estates and if they find any notorious defect to remove the Orphans to other guardians. and also for those that are bound apprentices, to change their masters if they use them rigorously, or neglect to teach them their trades. That no more be allowed to guardians for collecting of debts due to any estate then ten in the hundred, the usuall allowance of Merchants to their factors and Attorneys. That thirty pounds of tobacco per day be allowed to each apprisor for appraisement of any estate (if they will take it) & no more. That no allowance be made by the Court of excessive funerall expences, but that a regulation thereof be made according to the proportion of the estate and the quality of the person.

plate & money to be returned in kind

other houshold Stuff to be apprised.

ten p cent. allowed guardians for collecting

charge for apprs. &c.

charge for funerals regulated.

67. Orphans Land not to be alienod.

Be it also enacted for the future benefit of all Orphans that the Several County Courts, doe take into their serious consideration and care that the lands in their County belonging to any Orphan be not alienod, sold or taken up as deserted land, by any persons during the minority of the Orphan; and that the guardians or Overseers of any Orphans do not let, sell or farm out any land belonging to any Orphan, for longer term then untill the Orphan be of age; and that an especiall care be had, that the tenant shall improve the plantation, by planting an Orchard & building a good house, and that the tenant be bound to maintain good ffences about the Orchard and keep the house in Sufficient repair, and leave it so maintain'd at his Surrender; and that provision be made in the Lease for preventing all Waste of timber or imploying it to any other use then the use of the plantation.

Waste of orphans timber not to be made.

68. Grants of Land.

Be it hereby enacted, that any person or persons claiming land as due by Importation of Servants shall first prove their title or just right before the Governor & Council, or produce certificate from the County Courts to the Secretarys office before any Survey be made or Grant admitted. As being unreasonable, that others furnished with Rights should be debarred by prolonce of a Survey, which in it selfe is no title.

How persons claiming land by Importation, must prove their title.

69. Deserted Lands.

Be it also enacted that no Patent of Land shall hereafter pass upon prolonce that the land is deserted for want of planting within the time of three years unles proof thereof be made before the Governor and

No pson ordered land to be new taken up without Order of Court & Survey, after three yeares.

Counsell, and an Order obtained from them for the graunt-
ing thereof: neither shall the first petitioner for any deserted
land be deemed of having the first grant, he making his
right to appear, when he petitions for the land. And whereas
the former Act concerning deserted lands reserved to
the first taker up his right to take up land in another
place: It is hereby enacted, That in regard he hath had
the benefit of his right, held the land in possession,
might make use of the timber without contradiction
and yet neither pays the King any rents, nor suffers
him to admit any new tenant, that his right as well as
the land shall be forfeited, and the Grantee made incapable
of upon any of them afterwards. Provided that any person
having taken up land, deserted before the making of this
Act in November 1662. shall not by vertue of this Act
be outed of possession.

Right as well as land forfeited.

## 70. Soaling upon others Dividends.

Whereas divers suits have risen about Soaling ignorantly
upon others mens lands; for deciding the same: Be it
enacted that if any person whatsoever hath built
or Soaled upon any lands, supposing his own, but proving
by a just Survey to belong to another; the charge
of such building, Soaling or clearing, shall by twelve
men upon their oaths be indifferently valued, and
the consideration by the said twelve men so adjudged
shall be paid by the owner of the land to the first
Soaler that was at the charge. But if that shall a-
mount to more than the said owner is willing to dis-
burse then the said twelve men shall make a val-
uation of what the land was worth before the
Soaling thereof, which the Soaler shall accordingly
pay to the true owner. provided alwayes, that no

Any person who shall build upon land supposing his own shall afterwards prove it to belong to another

shall be allowed the charge by the right owner

Or shall purchase y land at y^e Value if more set on it.

consideration shall be allowed for building or cloorring to any person that shall obstinately persist after lawfull warning given him to desist.

71. Not to shoot or Rang upon other mens lands. Whereas the Rights and Interests of the Inhabitant are very much infringed by the hunting & shooting of divers men upon their Neighbours Dividends, contrary to the priviledges granted them by their Patents, whereby many injuries do dayly happen to the Owners of the said land; Be it enacted, that if any Planter or other, shall hunt or shoot within the limits of another Dividend without leave first obtained from the Proprietor, he or they so offending shall forfeit for every such trespass four hundred pounds of tobacco, one half to the Owner of the land and the other half to Publick use. Notwithstanding it shall be lawfull for any person or persons to hunt or shoot upon any Dividend of land not planted or seated tho. taken up without restraint or penalty; provided also that it shall be lawfull for any person, that hath shot any game without the limits of another mans land, to pursue the same into any mans Dividend freely to carry away the same; as also to seek or fetch his own Cattle or hogs off, of any mans land; first giving notice to the Owner of the land of his intent and of the time he intends to stay upon it, to the end that the said Owner may, if he thinks fit, send one to see what cattle or hogs he drives away. provided always, that it shall be lawfull for the Governor to commissionate some Gentlemen to give Licence to persons to hunt with hogs upon any mans land without their fenced plantations.

none to hunt on another Dividend without leave

penalty. 400 l. tob.

except on land not planted.

Cattle not to be fetched off another's land till after notice

a proviso for hunting with hogs.

72. **Lands** five yeares in possession.

Whereas Sundry Suits & Controversies have been, and dayly do arise; about claimes and titles to Lands, to the great impoverishing of divers persons: for remedy whereof and for the better establishing the Inhabitants in their Rights and possessions hereafter; Be it enacted, that all persons whatsoever that have or do pretend any title to any Land, shall prosecute their claimes before the said Land hath been peaceably enjoyed five yeares otherwise it shall be a good plea in barre for the possessor of Such Land claimed or possessed to affirm, he hath had peaceable possession without claim, by commencement or prosecution of Suit, full five yeares; proof whereof shall be a Sufficient Confirmation to the possessour, and shall conclude the claim & title of the pretender. And this act to extend to all such as have not prosecuted their title within five yeares, since the 6. day of October 1646. Always provided that the limitation of five yeares in this act expressed, shall not barre Orphans, nor widows under covert, nor persons out of the country, nor persons of unsound mind: but that the said Orphans shall have five yeares after they be of age, women five yeares from coverture (viz) if she marry again before her five yeares are expired, and her husband omit to make claime, his omission shall be a good bar against him; but if the woman Survive, she shall have so long time allowed her to claim in as will make up the first time of her freedom five yeares. persons of unsound mind, five yeares after their recovery from their impotency, persons out of the Country, five yeares after their arrivall in the

five yeares peaceable possession shall confirm a title.

a proviso for Widows Orphans & persons of unsound mind. Or out of the Country

Conveyes: provided they come in within two yeares after the title to the Land became due; in which time if they claim not as aforesaid, to be utterly barred for ever. for otherwise the expectation of hirers out of England, where there is none but a hire, must in a short time leave the greatest part of the Country wasted and unpeopled; no man knowing how or whom either to purchase or take Lease.

## 73. Against fraudulent Conveyances.

Be it enacted and confirmed, that no person or persons whatsoever, shall pass over by Conveyance or otherwise any part of his estate whether Lands Goods or Cattle, whereby his Creditors not having notice thereof, might be defrauded of their just debts; unless such Conveyance or other Deed be acknowledged before the Governor & Council at the Generall Court or before the Justices at the County Courts, and there Registred in a book for that purpose, within six months after such alienation. and whosoever shall make over or alienate any part of his estate, otherwise then is here expressed, the same shall not be accounted valid in Law nor shall it bar any Creditor by seizing the same by Law, for satisfaction of the debt; the Property of the estate not being legally vested in any but the first Vendor. And it is further enacted, that any Conveyance made and acknowledged and recorded shall not be held good in Law against any Creditors or former purchasers until four months after such acknowledgment made and recorded in which time the Creditors or former purchasers may shew for what cause the said Conveyance is to be accounted fraudulent; but if none appear within the said four months, after the first acknowledgment in Court then the sale shall be forever after good, against

Conveyances to be acknowledged before whom.

if not, shall be fraudulent,

not of force, but A. months after acknowledgment.

all other clauses or protendors whatsoever; unless such as pretend to overthrow the first Sellers title, in whom only five years possession can barre. provided that this act shall not extend to such person who for satisfaction of just debts, shall make a Bill of Sale of their estates or any part thereof and deliver it bonâ fide into the possession of the Creditor; but such act shall be good and valid to all intents and purposes, this act being made only to prevent fraud and deceit.

what are exempted from this act.

## 35. Surveyors of land.

Be it enacted that Surveyors of land shall demand no more than twenty pounds of tobacco for measuring one hundred acres of land, if the parcell exceed five hundred acres, but if under to be allowed one hundred pounds of tobacco, and for the same shall deliver an exact plot of each parcell Surveyed and measured: And if any Surveyor upon reasonable demand shall refuse to measure the Dividend for any person what soever for the consideration & satisfaction aforesaid such Surveyor shall be liable to the censure of the Court, in that County where he liveth. And if any Surveyor shall be desired to go further from his place of residence than he can return in one day such Surveyor shall have the allowance of thirty pounds of tobacco per day, for every days absence from his dwelling; and if his passage cannot be but by water, then such persons as shall employ him shall provide for his transport Out & home. provided no pay to be received before the plot delivered.

1 Ibid act 5. 1666. 3

thirty l tob. p day for every days absence

## 36. Land to be plainly marked & bounded.

Whereas many contentious suits do arise about titles to land, occasioned much through the fraudulent and

plots of land not to be given 'till 6. months

Land to be plainly marked.

penalty 100ll tobo for 100: acres.

under hand dealing of Surveyors, who frequently make Sales of the Surveyors by them made in the behalfe of one person to another; whereby oftentimes he that hath the first & justest right, is unjustly deprived of his due: for prevention whereof for the future, Be it enacted and Ordained That no Surveyor of land, shall give a plott of any land Surveyed by him, unto any other person whatsoever, until six monthes after such plott is drawn according to its Survey. And that all land Surveyed shall be at the Surveying thereof plainly marked and bounded, for all persons to take notice of: that none may, by the ignorance of the bounds, intrench upon another's right. and the persons offending, either in giveing out of Surveyes contrary to this Act or not sufficiently marking his bounds, to forfeit five hundred pounds of tobacco, for every hundred acres the Survey shall be given of, to the use of the Country.

## 33. What fences shall be sufficient.

fences to be 4½ foot high

not bringing no damage to be allowed.

Be it also enacted and confirmed by this present Grand Assembly that every planter shall make a sufficient fence about his cleared ground, at the least four foot & an half high; which if he shall be deficient in, what trespass or damage soever he shall receive or sustain by hogs, goats or cattle, shall be his own loss and detriment. And also, if it shall happen, that any person shall hunt any of the said horses Mares hogs goats or cattle that shall so offend and do them harm, he shall make satisfaction for any of them that shall be so hurt, to the owners of them to be recovered in any Court of Justice within this Colony. And it is further enacted by whose any horses mares cattle or hogs, shall damage any person for want of such fence as a-

= exorsaid and the party dammified do wilfully kill or or-
therwise hurt so as the Cattle hogs horses or mares doe
dy of such hurt whether by dogs set upon them or other-
wise; in such case the owners of the ground shall not
only be liable to satisfy the value of such horse, mare
hogg or Cattle; but by vertue of this act be adjudged
to satisfy double the value of such horse, mare hogg
or cattle so killed, to the owners of them. and further
be it enacted, that where the fences shall be adjudged
sufficient (viz) four foot & an half high, and close
down to the bottom, that in case any damage or tres-
pass be thereby done or committed to any person having
such fences, by either horses, mares, goates or any other
Cattle whatsoever, the owners of such horses Mares &c. and of Sufficient
shall be liable to make satisfaction for their tres- satisfaction to be made
pass and damage to the persons injured, in case the
fences be found by two honest men appointed by
the next Commissioners to be sufficient.

78. Bounds of land to be every four yeares renewed by the vicar of the Neighbourhood. (In part repealed: vide. f. 290.)

Whereas many contentious suits are dayly risen and stirred up about the bounds of land for which no remedy yet hath been provided, the 29th. act prohibiting surveys not applying the expected remedy: for if the survey be just, yet surveyors being for the most part careless of keeping the trees marked or the owners never renewing them; in a short time the shoots being grown up, or the trees fallen the bounds become as uncertain as at first, and upon a new survey, the least variation of a Compass alters the Situation of the whole Neighbourhood, and deprives many persons of houses Orchards and all to their infinite loss and trouble, for prevention whereof it is enacted that within twelve moneths after this Act, all the Lords

Bounds of land to be renewed every four year.

bitants of every Hocko and Draft of land adjoining shall goe in procession and see the marked trees of every mans land in those precincts, to be renewed; and the same course to be taken once in every four years: by which meanes the inconvency of Landsurveyors will be taken away, and the bounds will be so generally known and the markes so fresh, that no alteration can be made afterwards. And be it further enacted, that

Bounds settled by a procession taken by the proprietors.

the bounds by the consent of the present proprietors being once thus settled, shall conclude the said proprietors & all others claiming from or under any of them from any future alteration of their bounds, as they within the said bounds more or less land there they possess to. And if it shall happen any difference to be at present, that cannot be by the Neighbours themselves decided, Be it further enacted, that two honest & able

Surveyors when Neighbors cannot decide differences

Surveyors shall, in presence of the Neighbourhood lay out the land in controversy, and the bounds said out to be the certain bounds, and ever after to be renewed and continue so; but the person causing the difference, to pay the charge of the Survey. And touching much more to the prevention of strife among Neighbours to have a present & final decision of their differences, while men yet live that are at quarrels with the first Surveyor & while land is yet at a low value then it will be when time hath past out all knowledg to the bounds, and added a great value to the land. Be it enacted further, that each County Court shall appoint and

County Courts to order Visitors to divide parish into convenient precincts for processioning.

order the Visitors of each parish to divide the parish into so many precincts, as they shall think necessary for the Neighbours to join in, and so each others markes renewed: and to appoint certain days

Vide act 14. 1631

be taken and together.
processions & put this act into effectuall execution.
and in case the Court shall omit to make such order and
to send the same to the several Vestryes of the parish
or in their Counties they shall be fined ten thousand
pounds of tobacco: And the Vestries failing to order
the precincts and the persons to go together shall
be fined twelve hundred pounds of tobacco and
the person failing to go upon the day appointed or
to bring in Marks as aforesaid shall for his neg-
lect be fined three hundred and fifty pounds of to-
bacco.

Court omitting fined 10000 lbs.

Vestry omitting fined 1200 lbs.

person failing fined 350.

## 79. Surveyours for Highways.

Whereas through the frequent alterations of the High-
ways by falling of trees over them and many times
taking them into fenced plantations to the great
hinderance of travellers & drivers; & it there-
fore Enacted that the Justices do yearly in October
Court appoint Surveyors of the Highways who shall
first lay out the most convenient ways to the
Church to the Court house & from County
to County; and make the said ways forty foot broad
and make bridges where there is occasion. And the
ways being thus laid out and bridges made they shall
cause the said ways to be kept clear from logs
and the bridges in good repair; that all his Maj.
Subjects may have free & safe passage about their
occasions. And to effect the same the Vestries of
every parish are upon the desire of the Surveyor
hereby injoined and impowered to order the
parishioners every one according to the number
of tithables each hath in his family to send men upon

Justices yearly to appoint Surveyors of the highways.

Ways to be kept clear & bridges in good repair.

Vestryes to assess how to do it.

the days by the Surveyors appointed to help them in clearing the ways & making or repairing the bridges according to the intent & purpose of this act. And if any Court shall omit the appointing Surveyors, or they neglect the executing their Office, or the Vestry to Order the works, or any person to bee help attending to the said Vestrie Order; the said Court, Surveyors Vestry or person, shall be amerced five hundred pounds of tobacco, to the use of the County. And if any person shall contrary to this act, face trees upon the highways & not clear the same; or inclose any part of the said highways within any fforte. the Grandjury shall present the same as a common nusance & the Inclosure shall be thrown open, & the offender be fined One thousand pounds of tobacco, to the use of the County: And if any Counties have Creek or Swamp, lying the bounds between the said Counties, & it chances, that both Counties bounding upon such passage, shall contribute to the making the bridge, or making the way over it.

Court failing to appoint Surveyors fined

Vestry failing

person failing each fined 500 lbs tob.

penalty of felling trees or inclosing ye high ways.

two Counties joining at a bridg to maintain it.

## 90. Tobacco when to be demanded

preamble.

Whereas many Creditors for Severall by-past neglect the demanding the tobacco due to them in due time, by that meanes inforceing the Debtor to the Contingency of not disposeing of his tobacco & yet not paying his debts to the great damage and prejudice of the said Debtor: Bee it therefore enacted, that every person or persons not demanding his or their debts between the Month of October & the last of January, shall not sue or implead any person or persons in debts to him or them for present payment;

tob. to be demanded before last of Jan.

but it shall be lawfull for any person owing debts to dispose of the same for his owne use after the said last of January, if it have not been demanded, according to the tenor of this act; and no Execution to issue for a debt, but against the person, who shall have liberty to free himselfe by putting in security to pay the debt the following crop., provided alsoe that it shall be lawfull for the Creditor to sue or implead his Debtor for security for his debt against the next year; any thing in this act to the contrary notwithstanding.

Exr. not charged by body

HER MAJESTY'S STATE PAPER OFFICE

82. Attornies for persons out of England.

Whereas many persons in this Country entertain actions, many troublesome suits out of England and other places, where justly there is no occasion for such molestation; and yet the parties molested are left destitute of redresse by reason the said Creditors have no estate in this Country to satisfy damages they are condemned in: Be it therefore enacted that no Attorney by any power out of England, or elsewhere, shall sue or implead any person of this Colony, without giving first good security that he the said Attorney shall pay all such costs & damages as the Court shall award against him, where the Law shall find that he the said Attorney hath by that power unjustly molested the defendant.

preamble.

Attornies for persons in England to give security to pay costs & damages &c.

83. Burgesses.

Whereas no provision hath been made for the certain Conveyance of Publick Writs for the election of Burgesses, whereby the delivering the said Writs being so lardge, the Sheriff hath no time to give notice to the people, according to law, nor

preamble.

Secretary to send Writs for Burgesses

fee for it. 350 lbs.

fined for neglect.

make a timely return of the Writs; nor can the Burgesses appear at the day: for Remedy whereof, Be it enacted by this present Grand Assembly, That the Secretary provide for the timely conveyance of the Writs into every County to be delivered to the Sheriff thereof, and for his pains be paid One hogshead of tobacco, weighing three hundred and fifty pounds, for every County; and in case any neglect be proved against him, that he be fined for such neglect at the discretion of the Assembly: Allways provided, he have the Writs signed forty dayes before the day of the Returne.

## 84. Burgesses ascertained.

two Burgesses for a County.

to be elected at County Court house

James City one Burges

Whereas the charge of Assemblies is much augmented by the great number of Burgesses unnecessarily chosen by several parishes: Be it enacted, That hereafter no County shall send above two Burgesses, who shall be elected at those places in each County, where the County Courts are usually kept. Provided alway as that James City, being the Metropolis of the Country, shall have the priviledge to elect a Burgess for themselves. And every County that will lay out One hundred acres of land, and people it with one hundred tithable persons, that place shall injoy the like priviledge.

## 86. Burgesses to appear upon the day.

preamble.

Whereas many Inconveniences happen by the not appearing of Burgesses upon the precise day of the return of the Writ, as leaveing the Counties of the greatest Importance, the prudent Choice of a Speaker, to a small party that first appeared upon which divers animosities may arise in some that dislike the election, to the great detriment of the publicke affaires, which by this meanes are

to tender and the charges of those Counties, whose Burgesses first appeared untreasse: Be it therefore enacted. That what Burgesse soever shall faile in making his appearance and attending the assembly proviso upon the day of the Return of the Writ, shall be fined for every dayes absence, three hundred pounds of tobacco to be disposed of by the Assembly, unlesse he be obstructed by some such impediment as the house shall judge might be a lawfull & reasonable cause to hinder his coming.

Burgesses not appearing one day fined.

87. Burgesses not to be arrested.

For the dispatch and reputation of the Publick Business. Be it enacted, that none of the Burgesses of any assembly, nor any of their Attendants shall be arrested from the time of their election, untill ten dayes after the dissolution of the Assembly, whereunto he serves as a Burgesse. provided, that if the assembly be adjourned for above a month, the severall Burgesses shall ten dayes after that Session be liable to any and other processe; and if in the Intervall of Sessions they be arrested and prosecuted to Execution and that Arrest; the Execution shall be suspended ten dayes before the next Session of that assembly, and continue so untill ten dayes after it, at which time the privilege of Burgesse shall cease and determine.

Burgesse not attending to be arrested.

88. No Order to contradict an act.

Be it Enacted and confirmed, that no act of Court or Proclamation, shall upon any pretence whatsoever, injoyne Obedience thereunto, contrary to any Act of assembly, untill the Reverse of that Act by a succeeding assembly.

preamble.

## 89. Assemblies to enquire after the breach of laws.

Whereas Severall Lawes have been by divers Assemblies made for the good of this Country, which for want of due observation have not produced the desired effects, and whereas it is by this Assembly enacted, that the Grand jury of Enquests, should twice annually make presentment of the breach of ye penall lawes, and that the Assembly should dispose of the fines leveyed upon the Severall offenders, for the vses of these Countries, wherein they offended: Be it enacted, that for the future, the first day of every Succeeding Assembly, shall be employed in receiving the said presentments of the Grandjury, and to enquire into the premisses of juries and Courts, and how the Lawes have been put in execution, & disposing the fines; that by that meanes the lawes may be restored to their due vigour and offenders be deterred from neglect or contempt when they shall find, a severe account of their behaviour is so diligently inquired into.

Assemblies on ye 1. day to enquire after breach of laws.

## 90. Publique Letters how to be Conveyed.

preamble.

Whereas the remotenes of divers places in the Country from James City, & the necessity of communicateing divers business to the utmost limits of it, would if no expedient were provided purposely, put the Country to an annuall great expence, for prevention thereof, Be it Enacted that all Letters superscribed for the use of his Majesty or the Publique, shall be immediatly Conveyed from Plantation to Plantation to the place and person they are directed to, under the penalty of three hundred and fifty pounds of tobacco, to death default; and if any person be put thereby to any extraordinary charge the Court of each County is hereby authorized to judge thereof & to levy paiment for the same; the Superscriptions being Signed by the Governor, some one of the

the manner of conveying publick Letters

penalty

County Courts to allow extraordinary charge

Quorum, or the Colonel, Lieut. Colonel or Major of a Regiment: and where any person in the family the said Letter come to can write, such person is required to endorse the day & hour he receives them, that the neglect or contempt of any person stopping them, may be the better known, and be punished accordingly.

91. Divulgers of false news.

Whereas many idle and busy headed people doe forge & divulge false Rumours & reports to the great disturbance of the State of his Royall Majesties Liege people in this Colony: Be it enacted, that what person or persons soever shall forge or divulge any such false reports tending to the trouble of the Country, he shall be by the next Justice of Peace sent for, and bound over to the next County Court; where if he produce not his author he shall be fined two thousand pounds of tobacco or less if the Court thinke fit to lessen it) and besides give bond for his behaviour, if it appear to the Court, that he did maliciously publish or invent it. Divulgers of false news fined 2000 lbs.

93. Chirurgeons amounts pleadable after the decease of the party.

Whereas by Act of many Assemblies no amounts are pleadable against dead mens estates, whereby many troubles have been made about the amounts of Phisicians and Chirurgeons, who cannot possibly take bill: Be it therefore enacted, that Phisicians and Chirurgeons amounts shall be pleadable and recoverable for medicines administred & paines taken in the time of sickness, within the party dies; and within the Patient recovers, & three months after such recovery and no longer. Where Phisicians amount recoverable

## 94. Discount. to be made in Court.

Be it enacted for the avoiding many causeless suits in law that where any suit shall be commenced in any Court for a debt that if the defendant hath a bill bond or account of the plaintiffs. wherein he proves the plaintiff debtor such debt of the plaintiffs shall be discounted out of the debt he claimeth of the defendant and judgment shall be given for no more than the ballance of the debt will amount to after discount being allowed made of the time their such debts have been due and accordingly allowance made for the time; and because it many times happens that the defendants in such cases do procure bill or account of the plaintiffs from other parts wherein he cannot discount or in those to whom he passed such specialty or account: Be it therefore enacted that no bill or account being assigned over shall by the assignee be pleadable against the debtor without such bill or account unless the assignee can prove that he gave the debtor notice of his assignment and of the assignment and that the debtor at that time provided to undiscount against it.

Disco. to be allowed in Court.

assigned bills to have y^e. consent of y^e. debtr

## 95. Accounts against dead mens estates.

preamble.

Whereas too sad experience hath shewed that account against the estates of persons deceased, have often unjustly devoured the estates, and brought the wives and children to poverty and ruine; and whereas as well the lawes of England as of this Country permit not any thing to be pleadable against any person that cannot wage his law; which executors and administrators are utterly unable of: Be it therefore enacted, that no book debts or account shall be hereafter pleadable against the estate of any

Vide act. 4. 1699.

person deceased, nor against any surviving, if the said person shall upon his oath deny the same to be due; and they be such accounts, as by particular acts of the parliament or statutes for labourers and servants are allowable; neither shall any man be put to his oath upon an ordinary account, but the said Justices may keep or shall take the bond of any person, calling for any order or permission to his book or otherwise as the case shall seem fit; and shall not be pleadable.

Vide act 4. 1666.

96. Ballancing accounts of deceased persons.

Executors or surviving administrators to others upon account, may be induced to deliver goods to them or their agents in value, yet take no part; account upon the oath of either party may be brought by his executors or administrators against the survivors of which he cannot upon his oath deny the payment; yet that account though justly balanced ought not to be proceeded by this act prohibiting account against dead men's estate, yet hereby liberty to their executors or administrators to sue for an account due to the estate of the person deceased: And if they or either of them that account against dead men's estate, being sufficiently proved shall be admitted in discount of an account due to such dead man's estate: but if the account brought against the estate exceed that due to their estate the plaintiffs for the residue shall be dismissed without day. Provided also that where the party charged as debtor to any such shall refuse upon his oath to deny the account brought against him (except an Ordinary keeper, which it is impossible to keep in memory or any part thereof) the Court shall take the account to be due as by confession & shall give judgment for so much thereof, as he shall not deny as aforesaid.

pro anno.

Vide act 2. 1673

sue. against dead mens States admitted in discount.

Ord: Keepers to sell by Mag: measure

## 92. Ordinary Keepers how to sell

Whereas continuall complaints are made of the exaction of Ordinary keepers & others, in the rate & measure of Strong drinke, by them retailed and sold: Be it enacted that no person after the first of March, one thousand six hundred sixty & three, shall sell or vend by retaile any wine beer or other Strong drinke of what sort soever, by any measure but english Sealed measures of pints, Quarts pottles or gallons; and that every one that now doth, or hereafter shall keep any Ordinary, shall by the said first of March 1663. provide such measures to sell by in his house & in case he faile, shall be put down from keeping any Ordinary, and fined fifteene pounds sterling to the use of the Publicke: provided always, that it shall be lawfull for them to sell english strong waters comming over in casks by the bottle in such bottles they brought them. And for preventing many disorders & frights in Ordinaries and other places where drink is retailed; Be it enacted that no person or persons what soever shall in their houses retail any drinke out such as shall obtaine a Licence from the Justices of the county, where the live, signed by the first in Justice at that Court by giveing bond according to the lawes of England; and further obligeing himselfe to sell at the rates set by the Justices; and to pay unto any to the Poore not exceeding fifty pounds of tobacco & casks, for his Licence.

penalty 5000 l. tob.

proviso

Those to retail drink without Licence.

Fee for a Licence.

## 93. Against Secret Marriage.

Whereas much loss and detriment doth arise to diverse masters of families, by the secret marriage of Servants, the said Servants through that occasion neglecting their

works and often purloining their masters goods and provi-
sions. Be it therefore enacted, that no Minister either
publish the Bans or celebrate the contract of marriage
between any Servants unless he have from both their
masters a certificate, that it is done with their consent
and the Minister doing otherwise, shall be fined ten
thousand pounds of tobacco, and the said Servants both
man & woman that shall by any indirect means
procure themselves to be married without consent
of his or her master, shall for such their offence each
of them serve their respective masters one whole
year after the time of service by Indenture is ex-
pired. and if any person being free shall clandestine-
ly marry with a Servant as aforesaid he or she so
marrying, shall pay to the master of the Servant fif-
teen hundred pounds of tobacco or any other Estate
and the Servant so being married, shall abide with
his or her Master the time by Indenture or Custome
and a year after as aforesaid.

Ministers not to marry Servants without their masters consent

penalty 10000 lbs.

penalty to J. Serv. for marrying.

for a freeman marrying a Serv. &c.

lxi. Hired Servants.

Whereas divers persons that by Indenture Custom or
other Contract for wages, do use Servants to husband
their Lands many times run away to plantations far re-
mote & there do sell their Labour produce or Estate
with others for wages or Shares to the great damage
and sometimes utter undoing of their true Masters.
and also of those that ignorantly entertain them by
paying the said: for prevention whereof for the
future and for the better discovery of such Run-
aways. Be it enacted, that all Servants at the Ex-
piration of their time, shall with their Masters or
sufficient Testimonial from him go to the Court Reg.
County where he served and there enter his freedom
and take certificate thereof from the Clerk of the said

Servants when their time is expired

to have a cert of freedom.

Court, which certificate shall be sufficient warrant for
any person to entertaine him into his service. And when-
ever after his first time by Indenture is expired and
certificate thereof taken out as aforesaid, shall again
upon any terms become servant to another; the mas-
ter then hiring the said servant, shall take his certifi-
cate of freedom & keep it while the time contracted
for be expired; and whoever shall entertain or har-
bour any servant or hired freeman running away
from his Masters service & not procuring a certifi-
cate, as aforesaid, shall pay to the master of the
servant thirty pounds of tobacco per day & night
for all the time they shall harbour or entertaine them.
Provided that if such runaway servant shall forge
a certificate or steal the true one from the Master
he is hired to, and by that means procure himself em-
ployment; the person entertaining him shall be
free from the fine, but the servant stealing or forging
the certificate shall be punished for the forgery, or
standing in the pillory two hours upon a court day
and if any person coming free into the country
shall by any contract agree with one person, and
before the time agreed for be at an end shall in-
depart to another, he shall first pay unto the tenor
of his contract first made & pay the apparent da-
mages that shall arise by his breach of covenant &
shall after that satisfied be liable to the payment
of what damages any other Contractor with him
shall recover of him by law. And in regard the
certificates of freedoms may be worn out &
lost by those men and now ought to be required by
is further enacted, that every Gov. upon such pro-
foure granting a new certificate shall mention in
that the loss of the first one that for that cause the second
was issued.

Vide act 11. 1666.

Servant pt. forges certificate. punished.

Cert. of freedom may be renewed.

102. **Runaways.**

Whereas there are divers loitering Runaways in this County, who very often absent themselves from their masters service & sometimes in a long time cannot be found; the loss of their time & the charges of the seeking them, often exceeding the value of their labours: Be it therefore Enacted, that all Runaways that shall absent themselves from their said Masters service & shall be liable to make satisfaction by service after the time by Custome or Indenture are expired, (viz) double their time of service so neglected: and if the time of their Running away was in the Crop, and the charge of recovering them extraordinary, the Court shall adjudge a longer time of service, proportionable to the damage the Master shall make appear he hath sustained. And because the adjudging the time they should serve is often referred until the time by Indenture is expired when the proof of what is due is very uncertain Be it enacted, that the master of any Runaway that intends to take the benefit of this act shall as soon as he hath recovered him carry him to the next Commissioner and there declare & prove the time of his absence, and the charge he hath been at in his recovery, which Commissioner shall thereupon grant him a certificate, and the Court on that Certificate pass judgment for the time he shall serve for his absence. And in case any English Servant shall runaway in company of any Negroes, who are incapable of making satisfaction by addition of time: In that matter that the English so running away in the company with them, shall at any time of service to their owne masters served from the Masters of the said Negroes for their absence so long as they should have done by this act, if they had not been slaves, every Christ

Runaway Servants to make satisfaction by Service.

how they shall

in what manner he Running away is to be made out.

English Servants running away in compa: of Negroes

how to satisfy

52

tian in company serveing his proprietie; and if the Negroes be lost or dye in such time of their beeing away, the Christian Servants in company with them shall by proportion among them either pay foure thousand foure hundred pounds of tobacco & caske or foure yeares service for every Negro so lost or dead.

## 103. Cruelty of Masters prohibited.

Whereas the barbarous usage of some Servants by cruell Masters brings so much scandall & infamy to the Country in generall, that people who would willingly adventure themselves hither are through fear thereof diverted: and by that meanes the supplie of particular men and the good seating of this Province much obstructed: Be it therefore enacted, that every Master shall provide for his Servants competent diet cloathing and lodging, and that he shall not exceed the bounds of moderation, in correcting them beyond the merit of their offences; and that it shall be lawfull for any Servant giveing notice to their Masters, having just cause of complaint against them for harsh & bad usage or else for want of diet or convenient necessaries to repair to the next Comissioner to make known their complaint; and if the said Comissioner shall find by just proof, that the said Servants cause of complaint is just the said Comissioner is hereby required to give Order for the removall of such Master to the next County Court where the matter in difference shall be determined and the Servant have remedy for his grievance.

Relief for Servants cruelty used.

## 104. Against unruly Servants.

Whereas the audacious unruliness of many Christian and nitorious Servants, resisting their Masters and overseers hath brought many mischiefs & losses to divers Inhabitants of this Country: Be it enacted and Ordained, that the Servant that

shall lay violent hands on his or her master, mistris or overseer & be convicted thereof by confession or evidence of his fellow servant, or otherwise before any Court in this Country: the same Court is hereby required and authorised to order such servant to serve his or her master or Mistris or their assigns one year, after his or her time by Indenture or custom is expired. Be it enacted that no person or persons what soever, for any offence committed shall be adjudged to serve the Country as Slave servants. Two years service for striking a master.

## 105. Against trading with servants.

Whereas divers ill disposed persons do secretly and covertly trust & trade with other mens servants to the great injury of their masters as thereby enticed and encouraged to steal, purloin and imbezell their masters goods: Be it therefore enacted that what person or persons soever shall buy sell trade or truck with any servant for any commodity what soever, without licence or consent of the said servant master; he or they so offending against the premises shall suffer one months imprisonment without bail or Mainprise; give bond with security for his good behaviour: and also shall forfeit to the Master of the said servant four times the value of the things so bought, sold, trucked or traded for. traders with serv. how punished.

## 106. No. Second or Slips

And Be it further enacted that what person or persons soever shall lend or suffer or cause to be landed any Second Logs or Slips shall forfeit ten thousand pound of tobacco to the publick. Vide Act. 1686

And be it further enacted that what person or persons soever shall save, pack or sort or send away any ground

ground leaues not to be packed.

penalty.

grandjuries to present breaches of this act.

to avoid, which are hereby required to be totally suppressed shall forfeit for every hogshead, proued to haue thereof the quantity of five pounds of ground leaf tobacco in it, five thousand pounds of tobacco to the use of the Publique. And it is further enacted, that the grandjury shall take particular care of the obseruation of this act and shall make due presentment to the County Courts of any such as shall plant or haue any tobacco contrary to the tenor hereof.

penalty.

112. TWO. acres of Corn for each tithable.

Be it hereby enacted that all persons within this Colony shall plant or haue for every tithable person tending a crop in their family, two acres of Corn or pulse, under the penalty of five hundred pounds of tobacco, for every acre neglected, as aforesaid; to be paid by the delinquent, and to be seized by the sheriff for the Countries use; and the grandjury in their respected limits, to look strictly after the breach of this act And for encouragement for men to sow English wheat, which may be a staple Comodity to bring out of the Country, Be it further enacted that the sowing of two acres of wheat shall excuse the planting of three acres of Indian Corn, or other Corn or Pulse as aforesaid.

Acres of wheat in lieu of Corn.

113. Stray horses. &c

For Remedy of the great abuses & wrong done in taking up of stray horses Cattle & boates &c, not only in concealing them, but in using & employing them to the hurt & damage of the Owners. Be it enacted by this present grand assembly that every person or persons that shall take up & keep any stray horse Cattle or boate, shall cause the said horse Cattle with the mark Nature & colour & the said boat within proportion, & what was found in or to be cryed pub-

Taking up of Strays

how to be published

lickly in all the Churches and Chappels in the County within one moneth after the taking them up; and in the meane time securely to lay up the said boat; and if no owner appear upon this publick notice given, then to publish the same and set it up in writing at the next County Court, where if no owner appear then it shall be lawfull for him to make use of the said boat until the owner do appear, who shall allow him for his pains One hundred pounds of tobacco.

what may be done if no owner appear

## 116. Exportation of money.

Be it hereby enacted by this Grand Assembly, that no forreign money shall pass for current in this Country: but pieces of eight that are good & of silver shall pass for five shillings current money, upon penalty of twenty shillings to be paid by the refusers of them. And that none shall export money out of this Country, above the sume of forty shillings; if any shall exceed the same sum to forfeit double thereof.

pieces of 8- 5s.

penalty.

exporting money prohibited.

penalty.

## 118. Against private takeing away of boates.

For asmuch as divers persons suffer great damage by private and concealed takeing away of boates and Canoes: without license from the Owners thereof first desired and confirmed by the authority aforesaid that the Commissioners of each County Court shall be hereby impowered if required to order & give satisfaction from the party so transgressing, to those injured by such theif or their boat boats or Canoe five hundred pounds of tobacco penalty to the Owner, and what damage the boat sustained

penalty of takeing away boates &c.

## 119. Against Shooting

Whereas it is much to be doubted the Tuscaroras the Indians, if Opportunity serve will suddenly invade this Country, and bring it to a totall subjection of the same And whereas the only meanes for the discovery of their fleet is by Alarmes, of which no certainty can be had in

preamble

11

shooting guns prohibited at weddings

penalty.

11

respect of the frequent shooting of guns in or in time whereby they proclaim'd justify that beastly vice: Be it therefore enacted, that what person or persons soever shall after publication hereof shoot any guns at drinkings or marriages, (burials excepted) such person or persons so offending shall forfeit two hundred pounds of tobacco to the publique use, to be leived by distresse in case of refusall.

121. **Against** exacting Millers.

Whereas by a second act of a gr and assembly Anno. 1657. it was ordered and established, for the reformeing the great abuse of Millers in exacting excessive and illegall toll, that no person or persons using or occupying any mill, should take or receive for the grindeing of any grain or exchangeing it for meal above the sixt part thereof for toll: which act hath not taken such effect as was intended thereby: in respect as is conceived, neither penalty was imposed thereon upon the offender, nor the prosecution thereof was given in direction to any particular officer. It is therefore thought fit to inlarge the said act by vertue thereof to regard all millers or owners of Mills to provide by the five and twentieth day of June next comeing two leaf mouth shilliards or statute weights and Scales, by which they are to receive in & deliver out all grain: and that they doe sufficiently grind & exchange the said grain so brought unto the penalty in case they do exact beyond the said proportion for grinding or exchangeing or in case of defaect of such weights or Scales or for not sufficiently grinding of the sum of One thousand pounds of tobacco, and that the grand jury enquire thereof.

sixth part for grinding.

shilliards to be kept at Mills.

penalty.

122. **Against** exportation of English goods.

Whereas the necessities of this Country are relieved chiefly by the Importation of English goods, & that much obstructed by many that bring in unnecessary commodities & make sale thereof for tobacco, which they again truck for substantiall commodities as Cloathing & the like & by that meanes leave the Country destitute of those supplies. Be it hereby enacted, that what person or persons soever shall after the first of June

not export out of this Colony any english goods (not by him formerly imported) shall upon discovery forfeit such goods & be fined the value thereof one half to the use of the Country & the other to the publique.

Engl: goods not to be exported.

45

125. Against Stealing of hogs.

Whereas the Stealing and killing of hogs is a crime usually committed & seldom or never detected or prosecuted in this Colony: Be it therefore enacted for the better prevention thereof, That whosoever shall steale, or unlawfully kill any hog which is not his own; and the said fact being proved by sufficient evidence he or they so offending shall pay to the Owner of the said hog, one thousand pounds of tobacco and one thousand pounds of tobacco to the Informer: and in case of inability to pay & satisfy the said sums, the person so offending shall serve two years viz. One year to the right Owner of the said hog, and the other to the Informer. And if any person be found to be rising round any hog or hogs so killed without their ears, shall be adjudged a hog stealer & to be proceeded against accordingly. And that such persons as shall receive such hogs into their houses, and not immediately discover the same to the next Commissioner with such receiver shall be proceeded against as if he had been an actor in the trespass; and in case the Owner of the hog informed shall to have both the goods.

penalty for Stealing hog. what

who may be judged hog stealers.

who to have the fine

126. Masters of Ships to provide four months provision.

Be it enacted that all masters of Ships shall be obliged hereby to provide four months allowance of victuals for passengers at their setting forth from the Dowlds or other ports of England, and to give the passengers sufficient allowance of Dyet all the voyage; and Commanders of Ships respectively to take care that poor Servants do not want bedding in the voyage: In which particulars aforesaid, if any shall offend they shall be liable to grievous censure here, according to the merit of the offence.

Masters of Ships how to proceed &c.

127. **Concerning Passes.**

Be it also enacted and confirmed That no Master of any Ship, Vessell boat or barque shall transport any person or persons out of this Colony, except the said person or persons produce a Pass under the hand of the Governor or such whom he shall depute or appoint upon the penalty to pay all such debt as any such person shall stand indebted to any person within this Colony at his or their departure and pay a thousand pounds of tobacco to the Secretary for his contempt And it is further enacted, that before any such pass shall be signed to any person, he or they shall bring a certificate from the monethly Court, where he or they reside, that he hath set upon his name upon a Court day for dayes at least before his departure at the County Court where he resides; or otherwise shall put in sufficient Security for the payment of all debts that are due or owing from him to any person within the Country, or his name to be published & set up at the Church door two Sundayes in each parish in the County where it is supposed all persons will be; and the Readers Testimonall to the Certificate shall be sufficient warrant for him to grant a Certificate and the Secretary's Security after a yeare & a day to be discharged.

No Master of a Ship shall transport any person without a pass.

penalty.

the manner of granting passes.

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134. **Priviledg of Virginia Owners.**

Whereas some doubts have arisen about the priviledge of Virginia Owners and their exemption from the payment of the duties of two & ten shillings a hogshead, Be it enacted and declared that the said priviledge is granted only to the Owners & adventurers in such vessels as solely & wholly belong to the Inhabitants of this Country; and not to such persons as are only partners of vessells whose other partners dwell in other countries and the Governor be judge of such proprieties and

who are to have the priviledg of Virg.a owners.

certify the same to the Collector.

136. **Acts** touching the Indians

Whereas the mutuall discontents complaints jealousies and feares of English and Indians proceed chiefly from the violent intrusion of divers English made into their lands amongst the Indians by way of Trouncge to kill the called hogs of the English: and by that meanes injuries being done on both sides, Reports and Rumors are spread of the hostile intentions of each to other tending infinitely to the disturbance of the Peace of his Majesties Country: And whereas the Lawes prohibiting the purchase of any Indians Lands unles acknowledged at generall Courts or Assemblies; by reason it is easy to affright them to a quicke, as well as a private acknowledgment are made fruitles, and ineffectuall; corrupt Interpreters often times to their mischiefe by perswading them to willing to Surrender when indeed they intended to have perceived a confirmation of their own rights and a redress of their wrongs which mischiefe had they continued, must needs have involved the Country into an inevitable and destructive warr. for remedy of which Inconveniences and that for the future a sure equitable peace may be established the Goods not Comitted & Burgessed out of their bounds care of Justice and the Peace of this his Majesties Country, have enacted Ordained and confirmed and do by these presents enact Ordain and confirme, that for the future.

pro amble.

No Indian King or other shall upon any pretence alienate or sell; nor no English, for any cause or consideration whatsoever, purchase any any tract or parcell of Land not justly claimed or attually possessed by any Indian or Indians whatsoever: All such bargaines and Sales hereafter made or pretended to be made being

No Indian shall sell Land.

if he doe bargaine shall be void.

hereby declared to be Invalid void and Null; any acknowledgment Surrender Law or Custom for merly used to the contrary notwithstanding. And further that the Indians Property be in their goods be hereby confirmed and confirmed to them; and their persons so be cured, that, whoever shall defraud, or take from them their goods, or do hurt or injury to their persons shall make such Satisfaction and suffer such punishments as the Laws of England or this Country do inflict, if the same had been done to an Englishman. And be it further enacted, that what English man hath already contrary to the laws formerly in force for Surrendring & acknowledging Indians lands made encroachment, or seated upon them, since, if they make not good proof of their titles upon convenient made, be, by Order directed to the Sheriff to execute removed from their seats of Land thus wrongfully encroached, and all houses by them built upon the said Lands, be demolished and burned. And be it further enacted, That all English men having by Surrender made at Quarter Court, or assembly procured a colourable Right to any land by the said English now seated within three miles of any Indians, for reparation of the injuries done to the Indians, by the English men hereto called, shall find such number of hands as they shall be appointed by Commissioners to be authorized by the Governor, to help the Indians to plow in a Convenient proportionable to the number of poor souls the said Indian town doth consist of; and that after such plowing made sufficiently, according to act of the Assembly; if the Indians require in repair, what damage soever they shall afterwards sustain, shall be at the hazard and loss of them the said Indians. And be it further enacted that for the better relief of the poor Indians, whom the seating of the English, hath forced from their con-

No Injuries to be done Indians.

punishment for it.

Buyer of Indian land to be removed.

English seated near Indians to assist in making a plow

lod Convenience of Oysstering. fishing and gathering Suchahoe Cohunoe and other wild fruicts by which they were wonted for a great part of the yeare to subsist: Be it therefore ordained granted and confirmed that the said Indians upon addresse made to two of the Justices of that County, they desiring to Oysster or gather wild fruits as aforesaid, they the said Justices shall grant a Licence to the said Indians to Oysster or gather wild fruicts as aforesaid: provided the said Justices limit the time the Indians are to stay; and the Indians bring not with them any guns or ammunition or other offensive weapons, but only such tooles or implements as serve for the end of their comming. (And if any English man shall presume to take from the Indians so comming in any of their goods or shall kill wound or maime any Indian, he shall suffer as if he had done the same to an English man and be fined for his contempt. - - - - - - - -

Indians Licenced to Oysster &c

And because sometimes differences may arise between the Indians and those they trade with, which if we should proceed by way of Arrest might tend unto a distemper amongst the people of the Country Be it therefore enacted that any Commissionated trader having a difference with any Indian King or Under shall repair to the Governor for him, or such other as he shall appoint to determine the matter in controversy between them. And because the Imprisonment of an Indian may breed a war upon the Country: and consequently the making of Peace (war being wrested out of those hands it is by his Majesties Commission) intrusted into the power of every Individuall in the Country: Be it therefore ordained that no person of what quality soever presume to imprison any Indian King, without a special warrant from the Governor & two of the Council, as they will

Governor with Indians how to intermeddle.

No person to imprison an Indian King without special Warrant

A Paragraph here omitted vide Old Print Book fol: 77. See likewise 4 other Manuscript page 44

answer the contrary at their utmost perill, and because this Act cannot be put in execution without Commissioners to view the present bounds of the English & Indians &c. it is therefore enacted, that the Honorable Governor be desired & authorised to appoint unnumbered persons Commissioners to go with parties of horse to the Governor Indians and drive them; and there to proclaim these the following articles of Peace between us & the Indians; to settle the bounds between us; and to appoint others of the most Integrity to fix the bounds & ports of the works; to keep the Indians from & all other things by this act imposed; and for prevention of future disturbances beyond the bounds so fixed, be it further enacted, that the Governor may be desired and authorised to commissionate dep-uty persons annually to visit the bounds & to take care that no Settlements be made upon the Indians. And be cause all Intervals of Land on the Indians cannot in the present view of things be laid out, as may wholly secure the English from the Indians coming in and giving us trouble: Be it therefore enacted for prevention thereof, and to the end that the nations may be distinguished, and so if they are taken in the manner of doing any injuries the sufferers know to what hand to address themselves for remedy, That badges viz. Silver plates & Copper plates with the name of the Town graved upon them be given to all adjacent Kings within our protection and that all the said Kings give it in charge to their people, that none of them presume, upon whatsoever occasion soever, to come within the English bounds without those badges upon them, or one with a badge in their company; and if any damage or injury be done to any English man by them or any of them that then the King or great man of the place, the badges doth, shall be answerable for it. And if any shall

Bounds between English & Indians

Badges to ye Indians for distinction.

Indians not to come within English bounds without badges.

notwithstanding this injunction, be found in our bounds without any such badge or not answering aimed without that shall have them; that then it shall be lawful for any English man to carry him or them before any Justice of the Peace who shall keep him or them in safe custody until their King or great man ransome them by paying one hundred Arms length of Roan Macks for each Indian so taken, to be disposed of by the Publicke: provided always that if any English man shall be found or proved to have taken away any of their badges thereby to make the Indians guilty of breaking this law; that then the person so offending, shall be set in the pillory two hours on the next day, in the County where they have committed the offence, with their fault in great letters written upon them; and to be fined five thousand pounds of tobacco to the use of the Publicke and to be disabled ever more in prison without bayle or mainprize. And be it further enacted that all Indian Kings tributary to the English, when they have the least notice of any march by any strange Indians near our quarters shall repair themselves or at least send some one their great men to the next of the Militia, which shall be nominated & appointed by the Governor for that purpose; and acquaint him with as much as they know concerning the nation, the numbers and which way they conceive they will bend their course. And if they then shall desire any aid from us to secure them that a party be sent presently out by the Colonel of the Militia, to that purpose chosen by this our assistants and precisely call care will make them as we have an equall interest in each others preservation; while on the other side we being ignorant of the Manners of forreiners impute

penalty for wearing without badges

punishmt. for takeing away badges.

what warning to be given by the Indians

and what to be done on that warning.

all damages wch thou perceive, which is thon commonly most to our neighbours hero innocent sooudr. And Be it further enacted that if any Indian by the persuading of any English or of his own will, shall without leave of the King or great man of the plant, come within the bounds limited thom & there procure harbour or entertainment, it shall be lawfull for any English man to take the said Indian & convey him to his town to be punished: and to proceed of the English man, that harboured or entertained him in manner & way as by the law for entertaining other Runaways is provided. And because hereto fore many entertained Indians by vicenes of particular persons who did much damage to their neighbours; Be it hereafter enacted, that no person of what quality soever, shall entertain any of our neighbouring Indians as servants or otherwise under a vicenes obtained from the Gover nour himself, upon their obligation, that desire it, to be answerable for all the injuries & damages that the Indians by them entertained, shall do to any English.

Penalty of harbouring Runaway Indians

Indians without the gov.r vicenes

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133. Clerks fees to be paid.

part repealed. V: fol: 291.

Whereas by a former act of assembly, Clerks of Courts were made answerable of recovering their fees, after they had been two years due: Be it enacted, that the said act be repealed; and that all their account shall be three years pleadable, and that hereafter all Sheriffs or Collectors shall either receive distrain for or secure by bill all Secretary or Clerk of Court, accounts delivered them & be allowed to demand, or what is received & five p.r cent for what bills are taken. and the Sheriff or other Collector not receiving or securing as aforesaid, to be responsible for the amount omitted. Provided that they the said Sheriff or Collectors shall not be liable for the account of any person for

Clerks fees 3 years pleadable

to receiving them what.

Vide act 12. 1696

removing out of the County before the laying the Levy unles they receive the Levies or Sherriffs fees: and then to be accountable for the Clerks fees also, provided also that the Clerks deliver or cause their accounts attested under their hands to the said Sherriff or Collector[s] within four dayes after laying the Levy in their respective Counties.

proviso.

The Secretaries fees.

Be it enacted and Confirmed by the present Grand assembly, that the Secretaries fees shall be as followeth.

| | £ | s | d |
|---|---|---|---|
| Imprimis for a patent and recording it | | 80 | |
| for a Commission of administration & recording it | | 60 | |
| for a Probat and recording it | | 60 | |
| for a Commission to trade | | 50 | |
| for a deposition | | 15 | |
| for a bond and recording it | | 40 | |
| for a copy of a Patent | | 30 | |
| for Recording a Letter of Attorney | | 30 | |
| for Recording a Will | | 30 | |
| for a Comon Warrant | | 15 | |
| for an Order | | 15 | |
| for a copy of an Order | | 15 | |
| for recording a bylla or receipt | | 10 | |
| for an execution | | 30 | |
| for a Pass | | 30 | |
| for a Subpena | | 15 | |
| for a Petition if writ | | 15 | |
| for a certificate for Land | | 15 | |
| for a copy of an Act of Assembly | | 15 | |
| for recording a bill of Sale or such like | | 30 | |
| for a Commission for the Militia or Court | | 50 | |

Secretaries fees what.

The Sherriffs fees

Be it also enacted, that the Sherriffs fees shall be as followeth

| | £ | s | d |
|---|---|---|---|
| Imprimis for an arrest | | 10 | |
| for bond | | 5 | |
| for going into prison | | 10 | |
| for whipping | | 20 | |
| for pillory | | 20 | |
| for serving a Subpena | | 10 | |
| for serving an execution if under | | | |

Sherriffs fees what

one hundred pounds of tobacco ——— 10
if above one hund red to five hundred ——— 20
if above five hundred to one thousand ——— 40
if unto two thousand ——— 60
if above two thousand ten pounds per thousand.
for Summoning & impanelling a jury for every cause twelve pounds of tobacco: and for every person summoned five pounds of tobacco Attachments as formerly and if further trouble to be allowed by the Court.
and whereas some of the Sheriffs fees upon execution have heretofore seemed to have been arbitrary this Assembly hath thought fit to ascertain them and to enact that he shall have for Summoning every appriser ten pounds of tobacco, and the appriser to have thirty pound of tobacco per cause if they finish it in one day & 30 per day if they are longer about it

The Clerk of the Assemblies fees

Clerk of Assemblies fees what.

Be it enacted by this present grand assembly, that the Clerk of the assembly fees shall be as followeth, viz
Imprimis for entry of a cause by return plea or petition ——— 20
for an order & copy of an order ——— 20
for Denization ——— 50
for Naturalizing ——— 50
for County Court Comissions ——— 50
for Militia Comissions if granted by assembly ——— 50
for copying the acts of every assembly 300
for the whole body of the statutes 300
for attesting Act of Assembly
Copying answer & replie.

Old Volume, printed thus far.

At a Grand Assembly held at James City by prorogation from the 23. of March 166$: to the 23. of March 166$. & thence to the 23 of December 166$. in the fourteenth year of the Reign of our Soveraign Lord Charles the 2d by the grace of God of England Scotland ffrance and Ireland King Defender of the ffaith &c.

gre

No. 1. An Act Concerning Sheriffs making false returns.

Whereas the Sheriffs of the Seuerall respective Counties do often contrary to act of assembly accept of the promise of the party arrested instead of taking bayl which by act he is injoined to doe, and yet to save himselfe harmeless doth make false returne, viz. that the writ could not be executed, whereby the Creditor is delayed in his Suit, Or Non est Inventus, whereby Attachment issues to the damage of the defendant, Be it therefore enacted by this present Grand assembly and the authority thereof, that every Sheriff that shall be proved to have executed the writt & yet make such false returne, shall be fined three thousand pounds of tobacco One half to the Publicke and the other half to the party damnified or delayed, as aforesaid.

penalty for a false returne.

No. 2. An Act concerning Servants Goods.

Whereas many Servants imported into this Country, being ignorant of the customes here, do sometimes bring in with them some small parcells of goods or have them sent afterwards by their friends, which usually either the party that imports them or he to whom they are assigned as Servants, convert to their own use; Be it therefore enacted by this grand assembly & the authority thereof that all Servants bringing goods in with them not being their own wearing apparell or having them consigned to them during the time of their Service shall have the propriety of their own goods and by permission of their master dispose of the same for their own future advantage.

Servants to have the propriety of goods brought in with or sent to them.

No. 3. An Act against persons that refuse to have their Children baptized.

Whereas many Schismaticall persons either out of aversenes to the Orthodox established Religion or out of the new fangled fancy of their own heretical Inventions

refuse to have their children baptised. Be it therefore enacted by this present grand assembly and the authority thereof that all & every person & persons that in contempt of the Divine Sacrament of baptism, shall refuse where he or they may carry his or their child or children to a lawfull Minister in that County where he or they dwell to have them baptised, shall be amerced two thousand pounds of tobacco, half to the parish half to the Informer.

penalty for not baptizing children.

## 4. An act declareing how judgments shall be past upon a Non est Inventus returned.

Whereas by the present law where a Non est Inventus is returned on Attachment is granted returnable to the next Court & judgment upon the Attachment the Court following, yet if the arrest be upon an action of the case upon account prescribes no way of making proofe of the debt the act for accounts referring them to the Oath of the Debtor. Be it therefore enacted by the authority aforesaid that henceforth in all such cases the Creditors Oath shall be taken to his account & judgment past for the same he deposeth to be due, and in like manner where bayle is taken and the defendant appeares not, upon proof made by oath of the Creditor as aforesaid judgment shall pass against the bayle for the debt.

proceedings in a case of Non est Inventus.

## 5. An Act for punishment of Scandalous persons.

Whereas many babling women Slander & Scandalize their Neighbours for which their poor husbands are often involved in chargeable & Vexatious Suits and cast in great damages. Be it therefore enacted by the authority aforesaid that in actions of Slander occasioned by the wife after judgment passed for the damages, the woman shall be punished by ducking and if the Slander be so enormous

Ducking a punishment for Slanderous women.

as to be adjudged at greater damages then five hundred pounds of tobacco, then the woman to suffer adultery for each five hundred pounds of tobacco adjudged against the husband if he refuse to pay the tobacco.

16. **An Act** concerning women Servants got with Child by their Masters. P. fol. 54.

Whereas by an act of assembly made the 23d. of March 1661. every woman Servant having a bastard child (to repair the trouble & charge sustained by the master) to serve two yeares after her time by Indenture is expired and late experience shewing that some dissolute masters having themselves gotten their women Servants with child, yet have fraudulently claimed the benefit of their Service, and on the other side if a woman got with child by her master should be freed from that Service it might probably induce such loose persons to lay all their bastards to their masters. It is therefore thought fit and anexed by this present Assembly that from hence forward each woman Servant got with child by her master shall after her time by Indenture or custome is expired be by the Churchwardens of the parish where she lived when she was brought to bed of such bastard serve for two yeares and the tobacco be employed by the Vestry for the use of the parish. Women Servants got with child by their masters how to be served.

17. **An Act** for compelling witnesses Subpœna's to deliver their evidence upon Oath.

Whereas the Law of this Country already made prescribes no way of compelling witnesses to give in their evidences upon oath. Be it therefore enacted that hereafter all witnesses Subpœnaed to give evidence in any cause, if they refuse to deliver it upon Oath shall be committed to prison, and there remain until they declare their evidence upon Oath. Witnesses refusing to swear, to be imprisoned

5. An Act concerning Servants being the reputed ffathers of bastard Children.

Whereas by the present Law of this Country the punishment of the reputed ffather of a bastard child is the keeping the child and saveing the parish harmless, and if it should happen the reputed ffather to be a Servant, who takes no wages attompts the penalty of that act. Be it therefore enacted by the authority aforesaid, that where any bastard child is gotten by a Servant, the parish shall take care to keep the child during the time the reputed ffather hath to Serve by Indenture or otherwise and that after the said reputed father is free, he shall make satisfaction to the parish.

what to be done w. Servants fathers of bastard children.

9. An Act injoining the recording all Conveyances made in England in the Secretaries office.

Whereas daily experience doth shew that many persons Inhabitants of this Country doe privily make over their estates to others in England and by that meanes defraud all their creditors in this Country of their just debts, Be it therefore enacted that all Conveyances of any estate in this Country made over to any person in England or attested copies thereof shall be sent over into this Country the next Shipping after they are made and be there manifested in the Court all Court, and recorded in the Secretaries office or else to be held for fraudulent & of no force to the barring the claymes of any creditor in this Country.

Conveyances made in England how to be manifested here

10. An Act for defendants in Appeals to give in Security to answer the appeals.

Whereas by the Law of this Country all Appellants from the Courts are bound to prosecute their appeals but the defendant left at liberty without Security for their appearance. Be it therefore enacted that

hereafter all defendants in appeals shall give bail for their appearance as in case of arrests, and the Sheriff and bail to be responsible for non appearance as in case of arrest. — Defendants in appeals to give bail

11. An Act concerning Servants brought in under sixteen years of age.

Whereas by act of assembly the Quarter Court are appointed Judges of the age of Servants coming in without Indentures but no time limited after their arrivall for the bringing them to those Courts, Be it therefore enacted that every Master buying or bringing in a Servant without Indentures shall be and hereby is injoyned to carry him to the Court within four months after he hath bought him, where the best judgment may be given of his age or else the Servant shall not serve any longer then those of sixteen years of age are to serve by the customs of the Country. — what to be done with Servants brought in without Indentures.

Vide act 12. 1666

13. An act declaring women Servants tithable.

Whereas divers persons purchase women Servants to work in the ground that thereby they may avoid the payment of levies; Be it therefore enacted that all common Servants, whose common employment is working in the ground shall be reputed tithable and levies paid for them accordingly, & that every master of a family not giving an account of such in his list of tithables shall be fined as for other concealments. — women Servants working in ground tithable.

At a Grand assembly held at James City by prorogation from December the 2. 1662. to September the 10. 1663. and in the fifteenth year of our Soveraign Lord King Charles the Second — 26 ffol

~~24~~ 1. An act ~~prohibiting~~ the unlawfull assembling of Quakers.

preamble. Whereas it is evident that of late there ~~that~~ certain persons under the names of Quakers & other names of Separation have taken up & maintained sundry dangerous opinions and tenents, and whereas the said persons under pretence of religious worship do often assemble themselves in great numbers in several parts of this Colony to the great endangering its publick peace and safety, and to the terror of the people by maintaining a local & direct correspondency among themselves & in the meane time withdrawing themselves from the publick congregations & places of divine service and worship, for redressing whereof and better preventing the many mischiefs & dangers that may & doe arise by such dangerous tenents and unlawfull assemblies Be it enacted by this present grand assembly and the authority thereof that if any person or persons commonly called Quakers or any other Separatists whatsoever in this Country shall at any time after the publishing ~~hereof~~ this act in the several respective Counties depart from the place of their severall habitations and assemble themselves to the number of five or more of the age of sixteen yeares or upwards at any one time in any place under a pretence of joining in a religious worship not authorised of England nor of this Country that then in all & every such case the party so offending being thereof lawfully convicted by the verdict of twelve men or by his owne confession or by notorious evidence of the fact, shall for the first offence each person forfeit & pay two hundred pounds of tobacco, and if any such person or persons being once convicted shall again offend therein, and shall in

Quakers or other Separatists assembling to the number of five under pretence of Religious worship

fined for 1. offence 200: l tob.

forsaid, or thereof lawfully convicted shall for the
second offence forfeit & pay five hundred pounds of tobacco 2. offence. 500lb
to be levied by distresse & sale of the goods of the party so con-
victed by warrant from any one of the justices before whom
they shall be so convicted rendring the overplus to the
owners if any be & for want of such distresse or want of
ability of any person among them to pay the said fine or
fines then it shall be lawfull to levy & recover the
same from the rest of the Separatists or Quakers
or any one of them then present that are of greater
abilities to pay the said fine or fines. And if any
person after he or she shall forsaid hath
been twice convicted of any the said offence shall
offend the third time & be thereof lawfully convic- 3. offence banished.
ted, that then every such person so offending & convic-
ted as aforesaid shall for his or her third offence
be banished this Colony of Virginia, to the place the
Governor & Counsell shall appoint. And be it fur-
ther enacted by the power & authority aforesaid
that every master of ship or vessell that shall import Masters importing
or bring in any Quaker into this Colony to reside Quakers.
after the first day of July next, unless by vertue of
an act & Parliament made in England the nine-
teenth of May in the fourteenth year of the reign
of our Soveraign Lord the King shall be fined
five thousand pounds of tobacco to be levied by fined 5000lb
distresse & sale of the Masters goods by warrant
from any justice of Peace in the County where
any such person or persons shall arrive the same
being proved by sufficient evidence and the said master
shall be further enjoined to carry him or them out of the Country
again when his ship returnes & to take especiall care & to carry them
to lett not him nor them so brought in as aforesaid again.

from spreading any seditious tenents: whilest he shd or they remain in the Country, and be it further enacted that any person or persons Inhabitants of this Country that shall entertain any Quakers in or upon their boyds to teach or preach shall likewise be fined five thousand pounds of tobacco for each time they doe so entertain them to be leived by distress & sale of the persons goods by order from the Justices of Peace in the next County Court rights for that County, where the fact was committed before whom the said fact shall be by evidence proved: And be it further enacted for prevention of neglect in the due execution of this act by any magistrate or magistrates officer or officers of this Colony, that in case any Justice of the Peace or any other officer shall neglect the performance of their duty in prosecution thereof or shall directly or indirectly connive at any breach thereof he or they for every such offence shall be fined two thousand pounds of tobacco to be leived by distress & sale of their goods or the person so offending, he or they being thereof lawfully convicted by the verdict of twelve men or by their own confession or evidence of the fact. And be it further enacted by the authority aforesaid that all Justices of the Peace in their Court all County shall be hereafter impowered to inquire hear and determine all & every the offences aforesd within the limits of their Commission and to give warrant for the levying & distressing the fines upon the goods of the persons offending, all which said fines mentioned in this act shall be disposed of to the use & uses purpose & purposes following viz. the two hundred and five hundred pounds of tobacco imposed on the Quakers & other for entertaining Quakers by the first clause fined 5000 lbs.

Magistrate neglecting their duty or conniving fined 2000 lbs.

Justices impowered to hear & determine & to grant warrant for fines.

fines how disposed.

for which for unlawfull assembling shall be paid half to the Informer & half to the use of the

parish where the ffact was committed that the five thou-
sand pounds of tobacco imposed on each master that shall
bring in any Quaker shall be paid half to the Informer one
half to the use of the parish in the County where the per-
son or persons do arrive, that the five thousand pounds
of tobacco imposed upon every Inhabitant that shall en-
tertain as aforesd in or upon his house any Quaker
shall be paid half to the Informer & half to the pa-
rish in the County where he lives for pious uses, provi-
ded always that the charge of their apprehending be
first defrayed that the two thousand pounds of tobacco
imposed upon any magistrate or other officer that
shall neglect the due prosecution of this act, shall be
paid half to the Informer half to the parish in
the County where he lives provided always and be
it further enacted that if any of the said persons
Quakers or other aforesaids shall after such convic-
tion as aforesaid give security that he shall by
the time to come forbear to meet at any such unl-
lawfull assemblies as aforesaid, that from
thence forth such person or persons shall be dis-
charged from all the penalties aforesaid Anything
in this act to the contrary notwithstanding
And be it further enacted that all officers of
this Country be hereby strictly enjoined to take
notice of this act, and to see the same put in due
execution.

proviso.

Obsolete.

## 2. An Act concerning the bounds of this Colony on the Eastern shoar.

His Majesty Interest on the Eastern shoar of Vir-
ginia together with some Controversy of late
happened moving into consideration of the Hr.
honorable Governor Council and Burgesses of this
Grand Assembly, they protestimitting for the profit

Septembr the 10. 1680.

Bounds of Virginia on the Eastern shoar

some other of his Majesties Comissioners of land wch a fitter opportunity do thinke fit for the present to omitt. And be it therefore ordered by the said Rt. hono.ble the Governor Councill & Burgesses of this grand assembly and the authority thereof that publication be made so soon as possible by Coll.o Edmund Scarburgh his Majesties Surveyor Generall of Virginia commanding in his Majesties name all the Inhabitants on the eastern shoar of Virginia from Watkins point Southward to render obedience to his Majesties Government of Virginia and make payment of his Majesties dues and all publick dues to his Majesties Colony of Virginia, and whereas it hath been controverted by some ignorant or ill disposed persons where Watkins point the Northermost bounds on the Eastern shoar is situate this Grand assembly by the care & speciall inquiry of five able selected Surveyors & two Burgesses & the due examination thereof conclude the same place at Watkins point to the North side of Wicocomico River on the Eastern shoar & soe unto and on the South side of the Straights Limbo opposite to Chuckatuck River which place according to Captain John Smith & discoverer within in the yeare 1608 was so named being the Lord Baltamores bounds on the eastern shoar within which bounds his Majesties Subjects which are now seated are hereby commanded to yeild due obedience at their perills and in case the Lord Baltamore & his tenants or Deputies shall not be fully convinced of error in their or their actuall or pretended intrusion this Grand assembly of Virginia in due obedience maketh the particular part of Virginia their present care on his Majesties behalfe doe nigage & comand Coll.o Edmund Scarburgh, mr. John Catlett & mr. Richard Law-

Route or any two of them whereof his Majesties Surveyor
or Generall to bee one that upon Tenemt notice of
assignment of time & place at Monakin or any other part
of his Majesties Country of Virginia on the Eastern Shoar shee
or any two of them as aforesaid shall give a meeting to
the Lord Baltamore Lieutenant or Deputies or his
or their Substitutes as aforesaid, Joyn to debate or
determine what shall be reasonably proposed by the
Lord Baltamore Lieutenant or executed on his or
their Substitutes as aforesaid. that account whereof to
be returned to his Majesties Governor & Counsell of
Virginia, And in the mean time all the Inhabitants
of the Eastern Shoar as aforesaid are required in
his Majesties name to conforme due obedience to
this Act of Assembly. And it is also enacted that the Surr
veyor Generall of Virginia aforesaid is hereby com-
manded and authorized to improve his best abilities
in all other his Majesties Concernes of Land relating
to Virginia & especially that to the Northward of
forty degrees of Latitude being the utmost bounds
of the said Lord Baltamores grant and to give
an account of his proceedings to the Rt. Honorable
Governor & Counsell of Virginia.

406
28.
Obsolete.

## A. An Act prohibiting the entertainment of Indians without badges.

Since it is manifest that divers mischiefs are committed by
Indians on the South side of James River with-
the neighbouring Indians being taxed pay & assist
to be done by Dutchmen & other remote nations who
lying Sculking about the English plantations for
private Suits or commerce cannot so easily be
discovered & taken by reason that the penalty
by law for Indians comming in without badges is
laid on the Indians only & not on the English enter-

taining them. Be it therefore enacted that what Englishman soever shall privately entertain any Indian or Indians of any nation not having a badge according to law shall be liable to the same censure & penalty as the law imposeth upon an Indian for their illegall comming in and shall the informer or discoverer thereof shall have halfe of the said penalty.

penalty of entertaining an Indian without a badge.

91. An act for the orderly discovery of concealed tithables.

Whereas diverse masters of families notwithstanding the many lawes made to that end & use doe conceal some of their families legally tithable to a very considerable number as may be justly suspected in the whole County and consequently doe inlarge the taxes of those that doe legally conforme for remedy of the like abuse hereafter Be it therefore enacted by this grand assembly and the authority thereof that every master of a family shall give an account of every tithable person in their said family with their severall names to the next Magistrate appointed to receive the list annually by the tenth of June and in case any such master of a family shall conceal any person or persons of his family, that every such concealed person or persons shall be forfeited to him that shall make it appear, unless he was bought after the tenth of June, but if any such concealed person being a servant hath lost then a yeare to serve, or if the person concealed be a free man, then for every such person the master of the family shall forfeit one thousand weight of tobacco provided alwaies that women servants be exempted out of this act which whether they are tithable or not is referred to the County Court to judge & determine.

when the list of tithables is to be given in.

penalty for concealing tithables

~~33.~~ 9. An act for the halfe of all fines to be paid to the Informer.

Vsolete. Obsolete

Whereas by all penall acts of Assembly reserve the disposall of the fines to this Assembly who doe entend the halfe thereof to the Informer, yet for better encouragement of such a better discovery of those that breake and contemne the law It is thought fitt to enact and be it by these presents enacted that the halfe of all fines incurred by any person offending against any penall law be conferred on the Informer & discoverer of any such offence.

Informer to have halfe of all fines.

~~34.~~ 10. An Act concerning forreign debts.

Whereas it was omitted to be provided in the printed lawes of this Country that moneys due in England for any consideration not imported into this Country should not be pleadable here, It is therefore enacted and declared that the said act was never repealed but that it hath alwaies been still held to continue in force & that according to the true intent thereof no debt whatsoever is pleadable against any Inhabitant of this Country but for goods imported into this Country.

No forreign debt recoverable but for goods imported.

~~35.~~ 11. An act for admitting persons under execution to redeeme their bodies with their estates

Since the act for payment of executions in kind doth expose most men in the Country to ruin by the malice of their too rigid creditors, who by that act might take the advantage of obtained when tobacco or money the two things most usually obliged for were not in possibility to be procured detain their persons in prison to the destruction of their credit families and fortunes Be it therefore enacted by the Governor Councill & Burgesses of this grand

preamble.

Holds upon an Ex. for debt what.

and manor of proceeding therein

assembly & the authority thereof that the said act as too much of rigour be repealed and that instead thereof it be enacted. that when any person shall be laid under execution for debt he shall first make oath that he hath not directly or indirectly any specifical tobacco or money to answer the debt and then shall tender unto the creditor who shall have liberty to make choyce of any of the estate to be rendred for satisfaction of his debt, which being appraised by four men the one two by the creditor & two by the debtor, shall be by the sheriff delivered to the creditor & the debtor be acquitted but if the whole estate will not satisfy the debt then the person of the debtor to remain in prison, and in case of disagreement between the debtor & creditor either in choice of the estate or appraisement then it shall be lawfull for the next Commissioner to appoint four indifferent persons to thus appoint & appraise what part of the said estate shall satisfy the debt & in case of their disagreement the said next Commissioner shall be & hereby is impowered to determine the controversy.

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~~38.~~ Obsolete.

14. An act for keeping holy the 13th of September

Whereas it is evident that certain unnatural villains had entred into such a desperate conspiracy as had brought an inevitable ruine upon the country had not God in his infinite mercy prevented it & this grand assembly to testify their thankfulness to Almighty God for so miraculous a preservation have enacted that the thirteenth of September the day when this villanous plot should have been

September 13. an holy day.

put into execution by January next to keepe the same in a perpetuall commemoration.

Obsolete.

16. An act concerning the entertainment of strangers

Whereas it is frequent with divers Inhabitants of this Country to entertain strangers into their houses without making any agreement with the party what he shall pay for his accomodation, which of the party hired taketh many litigious suites and if the stranger did lay a gay open to many avaricious persons to pumice the estate of the person dec^d. for remedy whereof for the future Be it enacted that noe person not making a positive agreement with any One he shall entertain into his house for dyet or lodging shall recover any thing against any one so entertained or against his estate but that every one shall be reputed to entertain those of courtesy with whom they make not a certain agreement.

nothing to be recovered for entertainment without an agreement.

16. An Act concerning the Northern Indians.

Upon serious debates and consideracons had of the late troubles & meanes most likely to procure the future peace & safety of this Country, It is by this grand assembly & the authority thereof enacted that the King of Potomock and all the Werowances & Naugaids that have given any cause of jealousie to the English shall assoon as may be deliver such hostages & their children or others as shall be required and if they or any of them shall refuse to deliver such hostages as shall be required that nation to be declared and so my^d proceeded against accordingly and if it shall at any time hereafter happen, that any English now to be killed or hurt or any waies injured by any Indian that nation or nations against

Potom. King to deliver hostages.

what Indians are to doe upon murther

adjoining where the murther or injury shall be committed shall be injoyned to use their best endeavours to bring in the Indian or Indians that committed the offence or else they to be declared the actors thereof and proceeded against accordingly, and if any Strange Indians whatsoever not tributary to the English shall at any time come into any of their parts that they immediatly raise all the force they can against them & pursue them as enemies and in case they shall want any assistance from the English not having strength enough themselves and the nations who desire it shall repair or send some of his or their great men to such Officers or Officers of the Militia as by the honorable the Gover nor shall be impowered & injoyned him or them as near as they can of the number of their enemies, which officers are hereby required to send such aid to assist them as by their Commission they shall be impowered & further that the King of Potomack and all the rest of the neighbouring Indians shall hereafter use all their endeavours indeavouring out the doers & actors of the late murthers & mischiefs done upon & to the English upon Intelligence to cause the murthers or the[m] to be taken & almost endeavour to have them brought in, and that all the Nations join & pursue the Doegs who confessed to be actors in the first murther to the Okanahonds and Monacknis or to any other place where they have intelligence they or any of them are fled to, and when they have found them to bring them to the English and also if any of the Doegs shall at any time hereafter come to trade or trade with them at any place that they peaceably seize them & bring them to the English. And be it further enacted that the King of Potomack be injoyned not to goe & hold Matchacomoco with any Strange Nation without

and upon y^e^ comeing of Strang Indians.

and what they are to do to y^e^ Doeg Indians.

knowledg of the aforesaid Officers of the Militia untill the hostages be delivered according to the tenor of this act. and as we have endeavoured for the future for the safety of the Country that such hostages be delivered as shall be required Be it enacted also that the hostages to be delivered shall be civilly used and treated by the English to whose charge they shall be committed and that they be brought up in the English Liturgy so far as they are capable of that the care of putting them forth and the disposall of all things belonging to them be hereby referred to the Gouernor. the Gouernor with it also referred from time to time as he shall see cause to enquire of their usage & that there be allowed if there be not perform will ing to take them otherwise and demand from any afore said two hundred pounds of tobacco a year for each hostage for such maintenance & education, And for the Indians assurance under our government Be it enacted that they shall have equall Justice with our owne nation as the Laws already made have provided. And Be it further enacted that if any of the said hostages be deduced or carried away by any Indian or otherwise depart out of the limits proscribed from any nation or detaining such hostages or not bringing them back to shall be held declared and proceeded against as aforesaid.

King of Potomack not to converse with strang Indians.

hostages how to be used.

Indians to have equall justice with English.

## 19. An Act prohibiting Servants going abroad without Licence.

For the better suppressing the unlawfull meetings of Servants it is thought fit & enacted by this present Grand assembly & the authority thereof, that all Masters of families be enjoined and take especiall care that their Servants do not depart from their house without particular license

Servant not to go abroad without licence.

from thence and that the Sheriffs all & respective Clarks &c. as they shall cause take especiall care to make ffellowe within theire ffellowe as by the Act dated the 3d of December 1662. they are impowered as may cause a further prevent of all unlawfull meetings & rebellion, and punish the offenders.

At a Grand Assembly held at Jamaica City by prorogation from September the 6th 1663. to September the 20th 1664. and in the 16th year of the Reign of our Soveraign Lord King Charles the Second.

1. An Act for the priority of payment to the Country creditors.

preamble. Whereas many persons coming into this Country possessed of Visible estates doe by that meanes obtain credit here and contract Debts & engagements, notwithstanding which engagements past for valuable consideracons, it often happens that the whole estate is by protended amounts out of England & forreign parts taken away, and the Country creditors deprived by that meanes of their just dues, which the present Grand Assembly taking into their consideration have therefore enacted, that in such cases all Courts shall give a priority in judgments for debts contracted in this Country if the claim be made within twelve monoths before which time no forreign debt shall be pleadable unless there be assets remaining after the Country debts are paid. But this Assembly intending hereby but only the prevention of frauds not the prejudice of any just creditor that hath bona fide adventured his goods into this Country, have therefore further enacted, that if any ffactor coming

Debts contracted in Virg.a to be first paid

out of England or any other his Majesties Plantacons shall within two moneths after his arrivoale make entry in any Court of Record of the name of the person adventuring & sum & kinde of the goods adventured. every such adventurer shall if the ffactor dye have equall pleading with the Inhabitants of this Country, but in case no such entry be made all goods imported shall be taken to be the proper estate of the Possessour and to the end all mercht & other persons concerned may have notice hereof It is further enacted that this act shall not be in force untill the first of March. 1665.

what shall be one to give adventure equall pleading with Inhabitants.

## 2. An Act for frontiers to be seated with four able hands

Whereas Experience hath evidenced that the weakness of the ffrontiers plantations hath animated the Indians to commit severall horrid murthers. this Grand assembly endeavouring as much as may be the prevention thereof for the future have enacted and by these presents doe enact that no person shall hereafter seat above the Plantations already seated but with four able hands well armed at his first seating thereof, provided that such persons that have already patented land in any remote part may have seven years granted them to strengthen each particular plantation with the aforesaid number of four men or else forfeit their land.

ffrontier plantacons to be seated with four men armed.

seven years time given for seating with four hands.

## 3. An Act for proportioning all actions for the ffor mentioned afternoone.

Whereas the Dispatch of business in the Generall Courts is very much retarded by the liberty granted to all persons amongst the said

Courts to appear at any time within the day appinted
the court by the plaintiffe, by which meanes most
causes are referred to the afternoone, and that time
being insufficient to hear & determine the causes
the Court is thereby necessitated to put business out of
course by postponing them to the next morning, for
the prevention of which inconvenience this Grand
Assembly have thought fit to enact, and doe it by the
authority thereof Enacted, That all Writs that
shall for the future issue out of the Secretaries
office returnable to the Generall Court shall be
devided according to the respective dayes into two
for the forenoone and two for the afternoone
and if the plaintiff shall at that time failo in ap-
pearing to prosecute, a Nonsuit may be granted
against him, and judgment against the defendant,
Sayler or Sheriff in case the defendant failo of his
attendance to answer.

Manner of issuing forth Secretaries office

## 5. An Act concerning the Regulateing the Secretaries Office.

Whereas it is evident that in all Countries the well
ordering of Records is of the highest consequence
as being the only meanes to preserve the rights and
properties of all the Inhabitants of the same
And since it appeares that there hath been a great
neglect in keeping the Records in this Country
for remedy whereof for the future. This Grand
Assembly at the instance of the present Secretary
Sr Thomas Ludwell Knt have thought fit to
Enact and doe it by the authority thereof enacted
that Capt. Robert Ellison mr Walter Chiles
and the Clerk of the Assembly be appointed by the

Secretaries Deputy

L.s fol. 69

September the 2d 1661

houses to examine & state the Records as they now are and that for the future so soon as there is a place convenient to receive them the person may have a view of them unless upon publique order, but the Clerke of the office or whomsoever the Secretary shall appoint it being impossible to keep the Records certain when they are prostituted to the view of every one that will looke into them, who may as their fancy leads them pervert what may make against them provided that any person having occasion may be with the Clerke when he makes the search, for which there shall be paid to the Clerke for his fee one shilling or twopounds of tobacco besides paying for the copy of the thing search for. And it is further Enacted that but Half that Fee shall be paid to the Clerk for Search in the County Court Records.

fee for Searching

Noe to Search Records but the

6. An Act for convening of the people upon Summons of the Burgesses for assembling

Whereas the principall end of Convention of assemblies is the making provision for the peoples safety and redress of their grievances which cannot duely made known to the Burgesses of the respective Counties at the place and time of their elections which upon adjournm[ents] [illegible] is not done by reason the Sheriffs do not make publication of their summons wherefore it is by the Gov[r] and Assembly the authority thereof enacted that upon the issuing the Summons for convention of the Burgesses of this or future Assemblies adjourned hinc[e] notice may be given to the people by publication in the parish Churches of the day appointed by the Sheriff of their meeting at their usuall places of election to represent their Grievances to the Burgesses.

Notice to be given the people for meeting in grievances adjourned assem

7. An Act [illegible] widows thirds.

Whereas some Doubts have arisen about the proportioning and assigning the thirds of the estate of [illegible] widow Att is for explanation [illegible]

assembly and the authority thereof that the estates of all persons in Estate or where the Will is doubtfull whether personall or Reall viz: Land cleared or woodland and housing may be according to the quantity & quality of the said land & housing divided equally into thirds and the widow to have her choyce after the division

Widows thirds how to be divided

## 9. An Act concerning Arrests in Court time.

Whereas divers persons repairing to James City in the time of Quarter Courts assembled some about Service of the Publicke some to give evidence, & others to their other occasions which by the malice of some persons taking them at an advantage are arrested to appear answer for fear whereof divers persons doe absent themselves to the great prejudice of the Publique affaires and the obstruction of Justice. Be it therefore Ordered that no arrest five dayes before the Generall Court or Assemblies or five dayes after the Generall Court or Assemblies be served upon any person at James City except he be an Inhabitant of James City County.

when Arrest may be served at James City.

Repealed by act 9 1692 & 1 act repealed again by proclamation

# At a Grand assembly holden at James City by prorogation from September the 20th 1664. to October the 18th 1665. and in the 17th year of the Reign of our Soveraign Lord King Charles the Second:

## 1. An Act impowering a Justice of the Peace to grant Attachments.

Whereas it hath been scrupled whether a particular Justice of the Peace might in any case grant an Attachment. This Assembly have thought fit to declare that in case of suspicion of any persons intention to remove out of the County whereby he doth or

to steal himselfe in the Country, or withdraw himselfe out of the Country, whereby the ordinary proceedings at Law cannot be had against him, It is & may be lawfull for any Justice of Peace to issue out an Attachment against the estate of the said person so Suspected to remove as by the Court upon shall in his judgment appear due to the Creditor, payable by Security by given or appearance at the next Court. provided that the said Justice take sufficient Security of him that desired the attachment to pay the damages the Court shall award to the defendant in case the plaintiff do fail in the Suit.

In what case Justice may grant attachments.

5. An act concerning the intent of some former penall act.

Whereas certain doubts have arisen in giveing judgment upon a penall Law as Stealing of hogs taking away of boates and the like, where Severall persons may be actors in committing the same offence viz. whether the penalties inflicted are to be levied upon all the actors in Generall and the payment of the penalty Inflicted in the act by any one shall acquit the rest or else judgment pass for the intire Sum against every particular & individuall offender. Be it enacted for the better determining people from committing such offences that in all such cases every particular offender may be Singly prosecuted and have judgment passed against him for payment of the whole Sum. And because the Laws have been Silent in prescribeing any way to punish Servants guilty of those breaches of such acts where freedom are to pay a fine, of which they are during their Service wholly uncapable, and might be encouraged to attempt it, Should their punishment be restrained unto

every one to be fined where there are severall actors in crime.

their time of service is expired. Be it therefore enacted that in all cases where a freeman is punishable by a fine, a servant shall receive corporal punishment viz. for every five hundred pounds of tobacco twenty lashes, and soe many such proporcon of punishments as are five hundred pounds of tobacco included in the fine unless their master or other acquaintance will procure them by making payment and it is further enacted that if any person shall by procurement of the servant upon promise of agreement for future service shall pay the fine or release him from punishment such agreement made shall notwithstanding the order here and such servant to serve for same after his time by Indenture is expired, and further that the master have like remedy against the servant in case of his trespassing against him.

where freeman is fined.

serv. to have corporal punishment

unless fine pd for by serv.

& agreement on such occasion with a serv. good.

## 6. An Act concerning the bounding of Counties and parishes.

Whereas there is a law that binds us to the bounding of our lands Be it enacted by this Grand assembly and the authority thereof, that the same Laws be in force to the bounding of our Counties and parishes.

Counties and parishes to be bounded.

## 8. An Act Concerning the Indians.

Whereas at a Grand assembly held at James City September the 10th 1662, it was provided that whereas any murther was committed by the Indians upon the English the next doore Indians was to use their utmost endeavour for the bringing in & discovering the actors & doers thereof and in regard the said act was only limited upon the Northern Indians. This Grand assembly have thought fit to enact & Be it enacted that the said law be made a generall law against all Indians whatsoever where any murthers be committed upon the English, the

a former Act made generall.

next down is to use all their care & diligence in find-
ing the doors & actors of the murther, And be it
further enacted, that if any English man be murthered
the next down shall be answerable for it with their
lives or liberties to the use of the Publique, and that the
honorable the Governor be humbly requested forth-
with to impower such persons as his Honor shall
think fit vi oath Comissions on such occasions for put-
ting the said Law into immediate execution and
that it be made known to all Indians whatsoever
by those persons so comissionated within two months
after the said Law is in force. And be it further
enacted by this Grand Assembly that the said In-
dians shall not have power within themselves
to elect or constitute their own Werowance or
chief Commander but the present honorable Governor
and his successors from time to time shall constitute
and authorize such person in whose fidelity they may
find greatest cause to repose a confidence to be
the Commander of the respective Counties, and if
the Indians shall refuse their obedience to or
murther such person, then that Nation of In-
dians so refusing or offending, to be accounted
enemies and rebels & be prosecuted against ac-
cordingly. And whereas the careless manner of
the English in going unarmed to Churches, Courts
and other publick meetings may probably in
time invite the Indians to make some despe-
rate attempt upon them It is further enacted
that the Honorable Governor be requested to
issue his commands to the officers of the Mili-
tia to take care to prevent the same. And it
is further enacted, that any person or persons
that shall harbour entertain or employ any
Indian shall be fined five thousand pounds
of tobacco or suffer one years imprisonment.

next down of Kindred to answer for an Eng-lish mans murther.

Indian Werowance to be chosen by the Govr.

and Indians refusing to obey him to be accounted enemies & rebels.

English to go armed

penalty for entertaining an Indian.

who may employ an Indian.

without bail or mainprize unless such as shall give sufficient security to the County Court and upon such security obtain a certificate from the said Court and upon that certificate a License from the Governor. And whereas by the former articles of agreement it was provided that no Indians which are seated on the South side of James River should remove over the black water or the Southern branches thereof, it is hereby enacted, that the said Southern branches of Blackwater be from the head of those branches to the present Apamatuck Indian Town, and thence cross the River by a tomahund line to the present Monakin Indian Town, soe be the bounds of the Indians on the South side of James River.

what are the Southern branches of blackwater.

# V. Fiths, p. 62.

## At a Grand Assembly holden at James City the 5th day of June 1666. and in the 18th year of the Reign of our Soveraign Lord King Charles the 2.

### 2. An Act concerning Dettors of tobacco.

Preamble

Whereas it hath been & still is the Constant endeavours of the Assembly to give all possible entouragement to Merchants & traders into this Colony, and hitherto to test the protecting and defending their debts to their severall debtors without other restriction to them, or liberty to the planters then this that if by the last of January the Creditor did not demand his tobacco it might then be lawfull for the Debtor to dispose of it, leaveing the debtor still liable to be sued that year for security for his debt, upon which divers persons for their private advantage did omit the demanding of the tobacco in the time & thereby rendred the planter uncapable of disposeing of his tobacco or cleareing himselfe from his engagements for redress of which Inconveniencies Be it enacted by the Governor Councill & Burgesses of this

Assembly and the authority thereof, that if the debtor refuse or omit to demand & receive their tobacco by the last of January that then it shall be lawfull for the debtor at any time between that & the fourth of February to address himself to the two next convenient Justices of the Peace who are hereby required and impowered to appoint three honest and able men of the neighbourhood on their Oath to view the tobacco and if they find it legally merchantable whether old or new then to weigh and marke it for the use of the debtor in whose amount the tobacco so viewed and approved as aforesaid shall after lye. The debtor shall endeavouring to secure as before the dewdor and the Debtor upon producing certificate of the said dewdor from the said Justices to the next Court, that Court shall by their Order discharge the Debtor from the debt provided the dewdor be made in plain according to provision by. And it is further enacted by the authority aforesaid, that in case of difference between the Debtor and Creditor or the Attorney, if either of them be pleased whether the tobacco tendred be merchantable or not that then two Commissioners as aforesaid are hereby impowered to appoint a third person as an indifferent Umpire to determine the difference between them.

tob. to be demanded by the last of January if not a tender may be made

the manner how.

In case of difference an Umpire to be appointed

U44

## At a Grand assembly

holden at James City by prorogation from the 5th of June 1666. to the 18. of October 1666.

Repealed 46

A. An Act for Stating of ordinary keepers.

Provided for. 9. infrâ

Be it also further enacted by the authority aforesaid that the excessive rates of Liquors sold by ordinary

and being made accordingly the Court may discharge a debtor

Vide Act 6. 1665.

the rate shall be henceforth moderated and reduced to these prices viz: for all Spanish and portugall wine double the value of what they cost provided it exceed not an hundred pounds of tobacco or four shillings p gallon for brandy and English spirits the like not exceeding one hundred & sixty pounds of tobacco or sixteen shillings p gallon. for all French wines the like not exceeding eight score pounds of tobacco or eight shillings p gallon for rum the like not exceeding one hundred pounds of tobacco p gallon or four shillings. for beer & cyder being produced by the husbandry of this Country and therefore fitter to be encouraged, what profit they can make not exceeding forty pounds of tobacco or four shillings for cyder the like not exceeding p gallon twenty four pounds of tobacco or two shillings & six pence. for Virginia & rams the like prices as for brandy or english spirits & if any person shall question whether the bottles by which english liquors may be sold be a quart or not & shall require the same to be measured by a scale pot, it is enacted that the person so requiring shall not pay for more drink then the bottle shall be found to contain. And for the better encouragement of Ordinary keepers to sell at these rates it is further enacted, that whereas by the present laws Ordinary keepers accounts are not pleadable, all persons keeping Ordinaries & selling at these rates shall be admitted to plead their accounts & recover judgment for the same as by law is permitted to other men in any Court of Judicature in this Country. as freely as if they had never been excepted any former law to the contrary notwithstanding. provided that the party so trusting know the price he must pay, & alive, and be sued & pleaded within a year after the debt arrived due.

English liquors. Sold in bottles to be made use of sealed measure, if required.

Ordinary keepers accounts when pleadable.

5. An Act ascertaining Surveyors fees.

Whereas the Act concerning the fees of Surveyors by reason of the low rates set therein, which seemed to have been first made above twenty years since when tobacco bore a greater value than can now be expected, doth discourage many men of parts, ability or integrity from exercising the said function, in the faithfull discharge whereof, the Peace and Possession of the Inhabitants of this Country are so much concerned, and yet for want of a penalty thereon expressed leaves a liberty to every one to extort from the people what sums they please. Be it therefore enacted by this Grand Assembly and the authority thereof that for encouragement of able men in that science to practise the same that the fees limited in that act be doubled viz. for sixty pounds of tobacco for measuring every hundred acres of land, if the whole Dividend exceed not or amount to one thousand acres, but if under that quantity then four hundred pounds of tobacco and for the same shall deliver an exact plot of the Land Surveyed and if any Surveyor upon reasonable demands not being by sickness or other lawfull impediment hindred, shall refuse to measure the Land of any person whatsoever for the consideration and satisfaction aforesaid, every such Surveyor shall be fined & pay for such his refusall four thousand pounds of tobacco & for exceeding the fee two hundred pounds of tobacco for every hundred acres half to the party injured, the other half to the Authority to be recovered by action of debt in any Court of Judicature in Virginia but if the Surveyor goe further from home then he can return in a day, then such further Satisfaction to be allowed him as by the former act is provided.

Preamble.

Surveyors fees doubled.

Surveyors fees ascertained.

Surveyor authorized to demand.

11. An Act imposing a fine for entertaining Runaways.

Whereas divers ill disposed persons not valuing the fine imposed by act, which by the inconsiderablenes thereof they think not worth the paines or charge of recovery do harbour & give entertainment to loytering Runaway Servants for two or three dayes or more, thereby encouraging the said Servants in such lewd courses, for prevention whereof Be it enacted by the authority of this grand assembly, that what person soever contrary to the act in forte shall harbour or entertain any such Runaway Servant shall be fined & pay sixty pounds of tobacco for each day & night he shall so harbour them, to be recovered by the master or owner of the said Servant by action of debt in any Court of Judicature in this Country, this act extending only to those Servants that serve by their first Indenture.

fine for entertaining Runaways

12. An Act concerning Servants coming in without Indentures.

Whereas the present Act in forte prescribing how long Servants coming in without Indentured shall serve enjoines all Servants adjudged by the Courts to be sixteen years of age to serve but five years, and all under to serve untill they be twenty four yeares old, by which inequality a Servant if adjudged never so little lower then sixteen yeares, pays for that small time three yeares service; and if to be adjudged more, then the Master loses the like: Be it therefore enacted that the said act be from henceforth altered & amended viz. That all Servants coming in without Indentures after the expiration of this Session of Assembly, shall serve according to their age viz: if adjudged sixteen

how long Servants coming in without Indentures shall serve.

yeares or above, then to serue five yeares; if vnder that age, then to serue so many yeares as the yeare of theire age, when adiudged by the Court, shall make vp fower, & that every master in=tending to claim the benefit of this act is hereby required in the two Courts at furthest after he hath bought or im=ported a Seruant as aforesaid, to carry him to the Court who by a present inspection at that time will be best enabled to pass iudgment upon the matter.

masters to carry their Seruts to Court to be iudged, & when.

13. An Act for Criminals to beare their owne charges of prosecution.

Whereas the charge of prosecuting Criminal persons hath been hitherto vsually defrayed part by the publique but most by those Counties where the offen=ders dwelt or the fact was committed for avoidance of which charge it is probable that many lewd li=vers by a two fauourable censure escape their deser=ved punishment, Be it therefore Enacted by this grand Assembly and the authority thereof, that where the person committed hath estate sufficient to defray the charge of the prosecution the publique or County shall not be charged, but the whole paid out of the delinquents estate, and the publique or County only then liable to satisfy where no estate or not Suffici=ent can be found or discovered.

Criminals to beare their charge of prosecution, if able

if not the County or Country liable.

16. An Act for Millers to grind according to Turne

Whereas Diuers Owners and Keepers of Publique mills in this Country doe refuse to grind corn according to turne for the reward & toll already setled & appointed by Act, Be it therefore Enacted by this present grand assembly & the authority thereof, that what person soever, master, Owner or Keeper of any Mill shall hereafter refuse to grind as aforesaid shall be fined

Millers to grind according to turne or fined.

and amerced one thousand pounds of tobacco for every such offence, and if the Miller so offending be a servant he shall be punished at the discretion of the County Court where the offence shall be committed & complained of unless the said servant can prove, that what he did was done by order of the master, which time shall be recovered by any person injured by action of debt in the Court of that County where the offence was committed.

if a servant punished.

19. An act for including Hoop in the 22th. Act

Whereas the Seventh act [Ao. 1661.] concerning the insufficiency of fences prohibits any injury to be done to divers all sorts of beasts and cattell among which sheep are not included, It is enacted hereby that from hence forth Hoop shall be comprehended in the said act

Hoop comprehended in y^e act concerning insufficiency of fences.

and the damages recovered for any injury done to them by virtue of the act aforesaid, as for other cattell is there provided.

18. An Act ascertaining damages upon protested Bills of Exchange.

Whereas it appears that many bills of Exchange drawn upon persons in England by people resident in this Country are confirmed that the goods by them sent might produce effects sufficient to satisfy them, which frequently being frustrated sometimes by the miscarrying of the Ships, sometimes by not sale of the goods, or procure thereof by the party on whom they were drawn, cause the said bills to be protested, and by the great damages of thirty p^r cent given by act against the party that charged them is found to bear much to the determinent prejudice of the Inhabitants of this Country

Damages on protested bills of Exchange

It is therefore enacted by this grand assembly and the authority thereof that from henceforth the damages upon bills of Exchang

protested shall not exceed fifteen p^cent. and that the former act giveing thirty p^cent be hereby repealed & made void.

19. **An Act** declareing that no Justice shall take fee.

Whereas there is an act intended for the relief of poor people that causes not exceeding the value of twenty shillings Sterl. or two hundred pounds of tobacco might be determined by a Justice of Peace without further suit & whereas complaint hath been made that some of the said Justices have contrary to the good intent of the said act exacted fees from the parties comeing before them for justice to a greater value then the thing sued for amounted to, it is enacted by this Grand assembly & the authority thereof that it shall not be lawfull for any Justice of the Peace to receive of any person any fee for any cause or matter brought before him or determined by him.

Justices to take no fee.

20 **An Act** declareing what is meant by Seating of land.

Provided for by another act passed in 1715.

Whereas there is in all patents a Provisionall Clause for planting or Seating the land thereby granted within three years but never yet any Law declared what was meant by that clause nor what should be accounted sufficient Seating or planting, this grand Assembly for the better explanation thereof have declared and enacted and by the authority thereof do enact & declare that building an house and keeping a Stock on two of the said three years upon the land shall be accounted Seating, and that clearing planting and tending an acre of ground for one year shall be accounted planting and that either of these shall be adjudged as a sufficient performance of the

what is sufficient Seating of land

condition required by the Patent that after such planting or seating the land as aforesaid, and continuance of paying the Quitrents, no land shall be adjudged to be deserted.

21. An Act contorming imperfect Patents.

Whereas the Hono.ble Thomas Ludwell Esq.r hath informed the Assembly that he finds in the records many patents for great parcells of land for which there appeares not any rights upon record and further that divers patents have been issued and no records of them extant upon which the Assembly taking the premises into serious consideration, as also the great trouble & prejudice that may insue to divers honest Inhabitant of this Country in asserting their titles, tho. in truth never so good, yet by the neglect of the Clerk penned in strictness of Law altogether invalid; for remedy whereof the Governor and Council & Burgesses of this present Grand Assembly have enacted, and it is by authority thereof enacted and ordained that for the preservation of all persons title & prevention of future trouble, that all Lands held by former Patents of which there is no Record extant or to which there are no rights answering in the records until the date of this present Assembly shall forever be held valid & firm according to the claimes of the severall Patents, those defects being found to have happened by the neglect of the Clerks in those times in not making present entry of the rights delivered to them & the casualty of two or more all fires, whereby many of those rights without their fault were destroyed, the Assembly hereby rendring thanks to the Secretary for his care of preventing future

Old Patents to remain valid, tho. no record of them extant.

troubles, and requesting him to continue it, by not suffering any Patent hereafter to pass the office before the rights are entred and the patent compared with the Record.

Patents hereafter to be entred & compared before they pass.

22. An Act commanding Law bookes to be provided for each County.

Whereas for the better conformity of the proceedings of the Courts in this Country to the Lawes of England it appeares necessary that for the better direction thereof all the former Statutes at large & those made since the beginning of the Reign of our Most Sacred Majesty that now is, & some other approved bookes of Law should be purchased It is therefore by the Grand Assembly and the authority thereof enacted accordingly That all the aforesaid Statute bookes and Dalton's Justice of the Peace & Office of a Sheriff, and Swinburnes booke of Wills & Testaments, be sent for by the Auditor for the use of the Generall Court & Assembly, to reside at James city and paid for out of the two shillings p head, and that the said bookes be sent for by some of the Commissioners of the Severall County Courts for the use of the respective Counties, & paid for out of the County levyes.

Law bookes to be provided

how paid for.

23. An Act imposing fines upon refractory persons.

Whereas the Officers of the Militia have complained that divers refractory persons have in contempt of the authority impowering them & to the ruin of all military discipline, refused to appear upon the dayes of exercise and other times when required to attend upon the Publique service It is enacted by this Grand Assembly that every person neglecting to appear shall for every such neglect be amerced and

Officers neglecting to appear fined.

fyne one hundred pound of tobacco to be disposed of by the Militia for the use of the Regiment, and that the Commander returne of such fyne to the Sheriffs of the respective Counties shall be a sufficient warrant in law of the partie's default of payment to levy the same by distress provided that if before the laying of the levy the party amerced doe shew to his Commander such cause of his absence as by the Commander shall be adjudged reasonable then the party to be excused & the fyne not returned.

## An Act for the better explanation of the 16th. act in the printed book.

Whereas the sixteenth act for Sheriffs to take bail was misprinted and some words left out, It is enacted that for prevention of mistake in Court of Judicature, a copy be transcribed out of the originall for correction of the error in the printed book which followeth. Viz.t

Sheriffs are to take bayle for persons arrested.

also hereby enacted that all Sheriffs shall take sufficient bayle of all persons arrested with this Endition to bring forth the party arrested or forfeit the award of the Court if they shall neglect to take sufficient bayle of the party arrested or otherwise consent to be the cause of his escape, then the said Sheriff shall be lyable to pay the award of the Court himselfe, & shall also pay in case the consent to the escape be proved, One thousand pounds of tobacco, One half to the publique, the other half to the party grieved for his delay in recovering the debt, but if bail be taken and the party appeares not to answer then judgment shall be awarded against the bayl. aforesaid provided that the Sheriff or bayle shall if he desire it, have an attachment against the estate of the party arrested, & not appearing & further that if the Sheriff or bail shall at y.e next Court appear to that which the arrest was made

neglecting to take bayle liable to y.e award of the Court & fined 1000 lbs.

appearg

and bring forth the body of the party so arrested to answer the suite then the sheriff or bail shall be acquitted from the judgment past against them.

HER MAJESTY'S STATE PAPER OFFICE

At a Grand assembly holden at James City the 23d. day of September 1683. and in the nine and twentieth year of the Reign of Our Soveraign Lord King Charles the 2d.

2. An Act declaring that baptism of Slaves doth not exempt them from bondage.

Whereas some doubts have arisen concerning whether children that are Slaves by birth, and by the charity and piety of their Owners made partakers of the blessed Sacrament of baptism, should by virtue of their baptism be made free, It is enacted and declared by this present Grand assembly and the authority thereof that the conferring of baptism doth not alter the condition of the person as to his bondage or freedom, that Divers masters freed from this doubt may more carefully endeavour the propagation of Christianity by permitting children though slaves or such of greater growth, capable to be admitted to the Sacrament.

baptism doth not alter y^e condition of a Slave.

3. An Act for encouragement for erecting mills.

Whereas it would conduce much to the convenience of this Country both for grinding of corn, and for roads if mills were erected at convenient places which divers persons would willingly do, if not obstructed by the power seized of some persons, not permitting others the not willing should be prompted to so publique a good it is enacted by this Grand assembly and the authority thereof that if any person willing to erect one or more mills upon convenient places shall lay

how land may be had to erect a mill.

only on the said p[ar]te of the owner of the land on the other side shall p[er]sue to let him have an acre of his land to the use aforesaid that then the County Court upon the request of the party so refused shall order & impower two of their Com[m]issioners or such other credible persons as they shall think fit, to view the said land, and if it take not away housing orchards or other fruitful and convenient[es] then to value the said quantity of land and to put the same into the possession of the party building the said mill or mills, he paying the consideration the land is valued at, and it is further enacted that the like liberty shall be granted for two acres of land and no more, for erecting Churches or Courthouses provided that in case of desertion of any such structure the land shall revert to the first proprietor he paying what he received for it.

and for building Churches or Courthouses.

## An Act for Roads to houses.

Whereas the dispatch of busines in this Country is much obstructed for want of bridle wayes to the severall houses and plantations, It is enacted by this grand assembly and the authority thereof that every person having a plantation shall at the most p[ro]fitable and convenient place that leads to his house make a gate in his fence for the convenient passage of man and horse to his house about their occasions at discretion of the owners.

Convenient passage for man & horse to be made every plantation.

## An Act for Stateing Ordinary fees.

Whereas most persons having busines at Generall or County Courts are vexed upon by the excessive & exorbitant rates imposed by Ordinary keepers on their diet & drinke, that many friends forrifies by the charge they are forced either to desist from prosecuting their just clames or else incumbred by the charge, the remedy whereof having been

tion have thought fit to enact & be it enacted by this present
grand assembly & the authority thereof that no Ordinary
keeper shall have Licence granted him to keep an Or-
dinary to sell victualls or drinke before they have given
bond with good caution not to sell either victualls or drinke
at greater rates then hereafter mentioned, that is for
Master fifteen pounds of tobacco p meal.
for Servants 10 p meal
Lodging for either 5 p night
Spanish or portugall wine p gall. 10. or 100 l tob.
French wine p gall ——— 8. or 80. l tob.
Brandy English Spirit or Virginia drawn
p gall ——— 16: or 160 l tob.
Rumm p gall ——— 10: or 100 l tob.
Beer p gall ——— 4: or 40 l tob.
Cyder or Perry p gallon ——— 2.6: or 25 l tob.
those last having the greater rates to encourage any
thing that is the produce of the country, and if any Or-
dinary keeper in towne shall sell at greater rates then aforesaid he shall
upon complaint & proof thereof pay for his first fine for offering
offence two thousand pounds of tobacco, for the
second have his Licence taken away & forfeit
the penalty of his bond one halfe to the informer
the other halfe to the use of the County. #

Ordinary keepers to give bond before they have licence

Vide act 3. 1675

Y 165

Obsolete

## At a Grand Assembly

holden at James City by prorogation from the 23
of September 1663. to the 19 of September
1668. and in the 20th year of the Raigne
of our Soveraign Lord King Charles the
Second. #

## An Act for dispensation of ships proceeding forth

Whereas the act for proceeding forth injoining all ships
trading into this Country to ride within the Capes

meanes of the fleete now erected for Security of the said Ships in times of war & danger & Since God hath restored to us the blessing of an universall peace by which the necessity occasioning that injunction is taken away. The Governor Council & Burgesses of this Assembly for the ease & convenience of the Inhabitants and traders have enacted and do by these presents enact that liberty shall be & hereby is granted to all masters or Merchants of any Ships or Vessell that already is or hereafter shall come into any River of this Country to ride with their Ships in any part of that River they shall make choyce of for better dispatch of their affaires, and Ships permission to continue in force untill the Governor & Council shall find just cause to command the Contrary.

Ships permitted to ride in any part of the Rivers.

permission limited at ye Governr pleasure.

## 4. An Act about Correction of Runaways.

Whereas it hath been questioned whether Servants running away may be punished with Corporall punishm^t. by their masters or Magistrate, since the Satisfaction to Law made gives the master satisfaction by prolonging their time of Service, It is Declared and Enacted by this Assembly that Corporall punishment moderately inflicted on Runaway Servant by master or Magistrate shall not deprive the master of the Satisfaction allowed by the Law, the One being as necessary to reclaim them from further persisting in that idle Course, as the other is just to repair the damages sustained by the Master.

Corporall punishment to Runaways.

Obsolete.

## 5 An Act impowering County Courts to build Warehouses for assistance by the Country.

Whereas the prudence of all States ought as much as in them lies to endeavour the propagation and increase of all manufactures conducing to the necessities of their Subs

assent. and god having blessed this Country with a
soil capable of producing most things necessary for the
use of man if industriously improved, Be it enacted by
this grand assembly and the authority thereof that for
the better converting wool flax hemp & other com-
modities into manufactured for the increase of Ar-
tificers in this Country that the Commissioners of each
County Court with the assistance of the Vestries of the per-
spective parishes in their County shall be & hereby are
impowered to build houses for educating & instruct-
ing poor children in the knowledge of spinning
weaving & other useful occupations & that the
power granted to take poor children from idle
parents to place to worke in those houses.

County Courts and Vestries impowered to build workhouses.

#

I. An Act continuing the tax on negro women.

Whereas some doubts have arisen whether negro wo-
men set free were liable to be attended titheable
according to a former act, it is declared by this grand
assembly that negro women though permitted to en-
joy the privilege of their freedom, yet ought not
in any respect to be admitted to a full fruition of
the exemptions inseparable of the English, and are
therefore still liable to payment of taxes.

free negro women to pay taxes notwithstanding.

8. An Act concerning the property of tobacco.

Whereas some questions have been made concern-
ing or marking or both, transferred the property
of tobacco, some persons having both by weight
& mark received and yet by the alteration of
their own occasions have after refused the
tobacco so received, and upon motion of new
assumpsit, (leaving the specialty still in their hands
have recovered judgment for much that justly

were discharged. Therefore be it enacted by this present Grand assembly & the authority thereof, that marking irons being the usuall way of appropriating all things without weighing, doth transferr the property of tobacco to him that sett or caused to be sett the marke upon it, and that for ascertaining the sume payd, if the receiver have not convenience to weigh it when he marketh it, then he that payd it away may after ten dayes peruse, desire any Commissioner of that County to weigh the tobacco or cause it to be weighed and the attestacon of the said Commissioner or Oath of the overseer or persons by him deputed, shall oblige the debtor to discount or allow the quantity.

Marking tobacco sufficient to transfer the property.

what to be done abt weighing.

## 9. An Act for restraint of dyeing houses.

Whereas the excessive number of undue & dyeing houses set up for the advantage of a private gain are found to be cause of misbehaviour & inconvenience by the chiefe dyers & debauchednesse in a great part of loose careless persons, who neglecting their calling, misspend their time in drunkennesse, & having once contracted debt beyond their ability of payment, make escape out of the Country to the detrimt of the Publique, the loss of their particular creditors & often to the charge of the parish where they lived. Be it enacted and declared that the Commissioners of each County Court be required to take especiall care for the suppressing & restraint of the exorbitant number of ordinaries & dyeing houses in their respective Counties, and not to permit in any County more then one or two, and those near the Courthouse & no more alehouses in publick places as Church, ferries & great roades, where they may be necessary for the accommodacon of travellers, according as the said Courts shall find the necessity of their Counties require. And further that

not above two Ordinaries in a County

except in Publique places as ferries &c: as they shall require

the said Comissioners take good Security for those to whom Licences are granted, to conform themselves to the Laws and that all persons keeping tiplying houses without Licence, shall be fined three thousand pounds of tobacco half to the County, halfe to the Informer for each time he offends.

Comissioners take Security for Licence

keepers of tiplying houses without Licence fined 2000 lbs tob.

## At a Grand Assembly.

holden at James City by prorogation from the 17th of September 1668. to the 20th of October 1669 in the 21st year of the Reign of Our Soveraign Lord King Charles the Second.

### 1. An Act about the casuall killing of Slaves.

Whereas the only Law in force for punishment of refractory Servants possessing their masters Masters or Overseers, cannot be inflicted on Negroes, nor the obstinacy of many of them by other correct means suppressed Be it enacted and Declared by this grand assembly and the authority thereof, that if any Slave possist his master, or others by his masters order correcting him, and by the extremity of the correction should chance to dye, such death shall not be accounted Felony, but the master or that other person by his master appointed to punish him, be acquit from molestation Since it cannot be presumed that prepensed malice (which alone makes murder Felony) should induce any man to destroy his owne estate.

Slaves possisting when corrected killed by chance their death not accounted Felony.

### 2. An Act against the Transportation of horses and mares.

Whereas the last assembly partly to restrain the enormous increase of horses now growing rather burthensome then any way advantageous to the Country, partly to encourage trade did permit that masts

might be exported. this assembly taking care that both the ends aforesaid might be advanced have enacted and ord by these present. enact, that no horse or mares after the last of December next shall be by any person or persons imported or brought into this ~~country~~ Colony from any other plantation or government whatsoever. and that if any person or persons shall contrary to the intent of this act by any ways or means bring into this country any horse or mare after the last of December aforesaid the Sheriff of that County into which they shall be brought, is hereby strictly required and enjoined to make present seizure of the said mares or horses for the use of the publique, and to render an account thereof to the next assembly, and out of the value the moyety thereof to be allowed to the informer.

importation of them prohibited.

penalty for it.

3. An Act for pre-examination of Orders in the County Courts:

Whereas the twenty second act of assembly March the 23. 1661. prescribes a way of preexamination of Orders in the Generall Court. but no mention made of the County Courts. Bee it hereby enacted that the course that act prescribed for the Generall Courts shall be strictly observed in the County Courts, and the County Court omitting according to that act to pre-examine & signe their Orders, shall be fined for each omission one thousand pounds of tobacco whereof the Sheriff shall give account to the next assembly, who are to dispose the same to the use of the Publique

How County Court Orders are to be examined

penalty for not doing it.

4. An Act for the fee of a Dedimus Potestatem.

Whereas the act granting the taking out Commission of Dedimus Potestatem omitting the fee hath caused great extortions in divers persons Bee it enacted that a fee for a

Dominus ifsuing from the Gonerall Court shall be ascertained at fifty pounds of tobacco, & in ye County Court at twenty five pounds of Tobacco, each Commission. fee for a Dedimus which.

5. An Act for freeing Virginia Owners from Castle duties

Whereas the act for encouragement of Virginia Owners exempts them from payment of the two shillings p hogshd it is hereby enacted that they be also exempted from paying the Castle duties for their greater encouragement Virg.a owners exempt from Castle duties.

6. Act for encouragement to make Silke. Obsolete.

Whereas the advancement of the making of Silke will undoubtedly tend greatest as to the present honor & reputation so to the future great benefit and profit of the Country. It is enacted, that the former encouragement of fifty pounds of tobacco for every pound of wound Silke be allowed as formerly out of the publique. 50 lb tob.o encourag.t for every lb Silke

-. An Act for each County to send two Burgesses.

Whereas several inconveniences have arisen by the act giveing liberty to the Counties to choose one or two Burgesses at discretion, as the retarding the business of the house, whose single Burgesses are upon Committees or have any suit of their own, ordinance between divers parishes in the County, or have their appearance hindred by sickness or other wise, in all which occasions the County that sends or part of it are deprived of the privilege of their representative. It is enacted that each County after this present Session shall be injoined to return two Burgesses for the better service of the Publique. each County to send two Burgesses.

An/93

8. An Act for encouragement to apprehend Runaways

Whereas divers good Lawes have been made to prevent

Runnaway Servants which have hitherto in great part proved
most choice, chiefly through the wickedness of Servants
who at & before their arrival plot & contrive how they
may free themselves from their masters by running to
their neighbour plantations, and partly by the promises of some
planters who are so far from apprehending those known
Runnaways, that some of them have given them assistance
and directions how to escape, to the ruine of many masters
of families who have not Servants enough left whom they
can trust to follow & pursue those Runnaways, & others
unconcerned for want of a certain reward will not en-
deavour to apprehend and returne them to their masters
Be it therefore enacted, That whosoever apprehends any Run-
away, whether Servant by Indenture, custom or cove-
nant, not having a legall pass from such in every County
as shall be appointed to give passes or under from his
master shall have a thousand weight of tobacco allowed
Vide act. 1. 1670. him by the publique which tobacco shall be payed to the
publique by the Service of the Servant who runs from
his master, and by the head freeman immediately after
the expiration of his Covenant to the man that appre-
hends him. and the great good which is hoped for by
this act can be no prejudice to any man nor to the
publique who will unjustly disburse that which
the poor master is oftentimes not able to doe, nor
to the Servant, who if they keep within the bounds
of their duty are no way damnified by the severity
of this act, and 'tis hoped they will doe so when they
know so many spyes are upon them. And be it fur-
ther enacted that he that takes up such a runnaway
shall be hereby injoined to carry him before the
next justice who is to take cognizance of his good ser-
vice, and certify it to the next assembly, and then to doe

liver him to the Constable of the parish where that justice dwells, who is to convey him to the next Constable &c. till he be delivered to his master, and further that each Constables upon perill of such Runaway give his peril and if escape be made from any Constable to pay one thous and pounds of tob.o. and for the reimbursem.t of y.e Tobacco

Vide act 1. 1650

~~unto~~ the publicke, ~~with the tobacco~~ disbursed to the taker up, Be it hereby enacted, that the Court of that County wherein the Servant served his time be impowered to make sale of the Servant and be accountable to the next assembly and this sale to be made after all time of Service due to the master by Indenture or judgment is expired and this act being only an encouragement for the apprehender doth not at all repeal the clause of any act prescribing the means of reimbursing the charge disbursed in their conveyance to the Water.

## At a Grand Assembly

holden at James City by prorogation from the 20.th of October 1649. to the 3.d of October 1650. in the 22.d year of the Reign of our Soveraign Lord King Charles the 2.d

1. **An Act** concerning Runaways.

Whereas the act made the last assembly for encouragement to apprehend Runaways hath been too burthensome to the Publique by the greatness of the sum there granted to the taker of them up, and also deficient in some things very necessary for the restraint of Runaways, upon consideration whereof it is enacted and ordained by the Governor Councill and Burgesses of this grand assembly and the authority there of that from hence

act of October 1669. be continued in its full force
but the Sume of one thousand pounds of tobacco therein
granted to the taker of them up, shall be hereby
reduced to two hundred pounds of tobacco, if the
Runaway be found above ten miles from his masters
house, and one hundred pounds of tobacco if found above
five miles from his masters house, to be paid by the
publique in the county where the party dwells, if it
can be, for every Servant of what quality soever
and that the Servant not being a Slave who are also
comprehended in this act after the expiration of
his full time due to his master shall serve any
person he shall be assigned to by the assembly
for any omission more from whom the term of four
months for every two hundred pounds of tobacco
paid for him, the said assignee giving comission to
the said comissioners to repay the tobacco to the
publique, and the comissioners receiving such
caution to return it to the county court, and
the county court to the assembly, and that the
Runaway may be the more easily detected, It is
further enacted that every master having a Ser-
vant that hath runn away twice shall be hereby
injoined and commanded to keep his hair
close cut, and that every such master failing
herein shall be fined one hundred pounds of tobacco
for every time the said fugitive shall after
the second time be taken up, half to the publique
use to the informer. And for the better preventing
such attempts, it is further enacted, that every
constable into whose hands the said fugitive shall by

Rewards for taking up a Runaway.

Vide act 1. 1686.

Masters to keep Runaways hair close cut. under penalty of 100 lb tobo.

Duty of Constable in stopping Runaways.

any Commissioners warrant be first committed shall be and hereby is enjoyned by virtue of this act the omitted in the warrant to whip him severely and then to convey him to the next Constable towards his masters house, who is to give him the like correction and so every Constable through whose precincts he passeth to doe the like. And that Constables may be the more carefull in their office, It is further enacted that every Constable, into whose custody the Runaway shall be committed, shall give a receit to the Constable or party he receives them from, to the end that if the said fugitive should by negligence of any Constable make an escape such negligence might be discovered and for his offence pay four hundred pounds of tobacco halfe to the publique halfe to the informer. and the like in the former act of one thousand pounds of tobacco to be repealed. And because such Runaways after the expiration of their time may by vertue of their masters certificate remove from the place they dwelt in & by such concealment defraud the publique of what hath been disbursed for him, It is further enacted that every respective master owner of such Servants indebted to the publique shall immediately after the time of such Servant is expired, deliver him to the next Justice who is to deliver him to the next Sheriff to be secured till the next County Court there to be proceeded with as the Law directs, unless such Servant can procure sufficient security to pay the penalty laid on him by the act, and that every master giveing a certificate before such delivery of such Servant to

penalty for a Runaways escape

justifie, shall pay the publique what soever hath been disburst for the recovery of his servant during the time he served him.

## 2. An Act concerning ffences.

Whereas the Act for ffences doth not sufficiently provide for remedy of those many damages done by unruly horses breaking into corn fields, Bee it by authority of this Grand assembly enacted that the owner of such horses shall be and hereby is required and injoined to take some effectuall course for restraining them from trespassing their neighbours from the 20th of July to the last of October in every year, it being much fitter that pickmen who have the benefit of such horses should provide for their restraint then the poor injoined to the impossibility of very high fences. And if any horse or horses shall at any time breake into any corn field the ffence being four foote & half high, then the Owner of such horse or horses upon proof of the damage shall pay for the first trespass single damages & for every trespass after double damages to the party grieved, and because question hath been made about the sufficiency of fences, according to the former act injoining them to be close to the bottom, it is hereby declared that being so close as within mentioned, no former act can truly through, is only by that act intended.

unruly horses to be kept in.

if they break into Cornfields. where fences are 4½ foot high. Owner to pay damages.

what are Sufficient fences.

## 3. An Act for the election of Burgesses and by whom.

Whereas the usuall way of choosing Burgesses by voices of all persons, who having served their time are freemen of this Country, who having little interest in the Country doe often make tumults at the elections, to the great disturbance of his Majesties peace, then by their discretions in their votes, provide for the conservation thereof, by ma-

ding choyce of persons fitly qualified for the discharge of so great a trust and whereas the Lawes of England grant a voice in such elections only to such as by their stated freall or personall have interest enough to cause them to endeavour after the publique good. It is hereby enacted that none but freeholders and housekeepers who are to elect Burgesse. who only are answerable to the publique for the same shall hereafter have a voice in the election of any Burgesse in this County and that the election be at the Courthouse. none but freehold. elect none. where they are to be elected.

## An Act for Tithables to be published.

Whereas many endeavours have been used for prevention of frauds in taking the list of Tithables It is hereby enacted for the more discovery thereof that at y next Court after the tenth of June in every County the number and number of Tithables in every list taken by the respective Justices in their respective precincts united then be taken by the Clerke of the County Court & by him written and set up at the Court door all that day to the end that if any concealments have been made the persons living near them may discover them to the Court and such penalties be inflicted on them as by the former Law is injoyned. manner of publishing the list of Tithables

## An Act declaring no Indians nor Negroes to buy Christian Servants.

Whereas it hath been questioned whether Indians or Negroes manumitted or otherwise free, could be capable of purchasing Christian Servants It is enacted that no Negro nor Indian enjoying their own freedome, shall be capable of any such purchase of Christians, but yet not debarred from buying any of their own nation. Negroes nor Indians to buy Christian Servants.

## 6. An Act shewing how certificates for marriages shall issue.

Whereas complaint hath bene made that divers persons to the defeating the law and defrauding parents & guardians of that natural right & just privilege in disposing of their children & Orphans in marriage, have clandestinely procured the Clerks of their County Courts their warrants to, to give them certificates for Licenses, and to the parent by the inequality of the match dishonoured and the child punished in her fortunes It is enacted that the act for Licenses to issue on certificate from the Clerk of the County Court be declared to extend to no other Clerks but of that county where the maid, servants or guardian dwells and that the Clerk of the County shall not grant any such certificates without the personall consent of the parent or guardian, and that in every certificate the Clerks shall expressly answer the same, and every Clerk that shall grant them otherwise then is herein prescribed to forfeit his place.

what Clerk shall issue certificate for Marriage Licenses.

Parents or guardians consent to be first had.

Vide act. 10. 1696

## 7. An Act concerning litigious suits.

Whereas divers litigious suits are commenced meerly out of envy & malice to the ruine of divers poor men by forcing them to a neglect of their domestick affairs & unnecessary expenses during their attendance at Court, It is hereby enacted that in all suits where the matter to be found shall be under the value of 500 lb tobacco the party to maintaining without cause may be enforced to pay to the party damaged for every day he may reasonably be forced to attend & returne his home thirty pounds of tobacco a day for every day of his attendance to answer, sixty pounds of tobacco a day besides his ordinary charges to be allowed by a former act & costs of Court.

what damages are allowed in case of a litigious suit.

8. An Act concerning Comissions. Warrants.

Whereas it hath been doubted whether the Warrant of any Comissioner imparted to constraine a Constable of another County to prosecute by Hue & Cry or to apprehend or convey runaways to the next Constable, It is hereby enacted and declared that the said Warrant directed first to a Constable within his own precincts & so from Constable to Constable, for avoiding delay in Iustice pursuits, obliges every Constable to whom it shall come, to the observance and performance of the intent & true precept.

Validity of a Comissioners warrant

9. An Act imposing a penalty for not returning two Burgesses.

Whereas the act for electing two Burgesses for each County for want of a fine hath not that due observance it ought & is enacted that every County not sending two Burgesses to every Session of Assembly, shall be fined ten thousand pounds of Tobacco to the use of the Publique.

County fined for not sending 2 Burgesses

## At a Grand Assembly

holden at James City by prorogacon from the 3d. of October 1660. to the 20th. of September 1661. in the 23d. year of the Reign of our Soveraigne Lord King Charles the 2d.

1. Act prohibiting millers the taking of more then one eighth part of Englishgrain toll for grinding thereof.

Whereas diverse complaints have been exhibited against the great use of toll paid to Millers for grinding of Corn, for the regulating whereof for the future Be it enacted and Ordained by the Governor Councill & Burgesses of this grand Assembly and the authority thereof and it is hereby enacted and Ordained that no Miller hence forward

Millers to have for grinding of English & part Indian grain

penalty for exceeding

shall take for grinding of English grain more than one eighth part and for grinding of Indian corn more than one sixth part as formerly, & that every miller exceeding herein, shall undergo such fine & penalty as is imposed by a former act made at James City the 23d. of October 1666.

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3. An Act for the moderateing the rates of liquors where as by an act made the 23. of September 1665. some care was taken for moderateing the rate of liquors sold by the ordinary keepers but for encouraging the productions of the country it was permitted to sell beer at four shillings or forty pound of tobacco a gall, cyder & perry at two shillings & sixpence or twenty five pounds of tobacco a gall. Virginia drachms at 16s. or 160 ℔ tobacco a gall: It is by this grand assembly thought fit that those rates as well as the rates of other liquors be moderated. Be it therefore enacted & ordained by this Grand Assembly and the authority thereof, that the price of spanish wine be ten shillings or one hundred pounds of tobacco the gallon, French wine eight shillings or eighty pounds of tobacco a gallon, or any English spanish or Virginia or rum ten shillings or one hundred pounds of tobacco the gallon beer cyder or perry two shillings or twenty pounds of tobacco the gallon beer if brewed with molasses one shilling or ten pound of tobacco the gallon, and if any one selling liquors by retaile shall presume to exceed those rates to suffer those penalties provided & imposed by the former act on that behalf made and ordained.

Vide act. 10. 1665

A. An Act providing how Negroes belonging to Orphans of Intestates, shall be disposed of.

Whereas the former act concerning the estate of persons dying Intestate, Itt is provided that those horses and cattle should be delivered in kind to the Orphans when they come of age according to the Number and ages the said cattle were of, when the guardian took them into his possession, to which some have desired that Negroes might be added. This assembly considering the difficulty of procuring Negroes in kind, also the value and hazard of their lives, have doubted whether any sufficient men would be found, who would engage themselves to deliver Negroes of equall ages if the Specificall Negroes should dye or become by age or accident unserviceable. Be it therefore enacted and ordained by this Grand assembly and the authority thereof, that the consideration of this be referred to the County Courts, who are hereby authorized and impowered either to cause such Negroes to be duely appraised sold at an Outcry or preserved in kind, as they shall find it most expedient for the preservation, improvement or advantagement of the estate and benefit of such Orphans.

the disposall of Negroes belonging to Orphans referred to the County Courts.

C. An Act concerning the Sheriffs fee for an Arrest.

Whereas complaint hath been made that some Sheriffs have extorted greater fees for arrests, then were allowed by law, viz. twenty pounds of tobacco for commitment & potestament, whether the person were imprisoned or not, Itt is enacted & declared by this Grand assembly, that the just fee for an arrest is ten pounds of tobacco, for the bond five pounds of

fee to the Sheriff for an Arrest.

tobacco, & not any thing for commitment or release unless the persons were actually put into prison.

Ce 101

# At a Grand Assembly

holden at Jamestty by prorogation from the 20th of September 1671. to the 24th of September 1672. in the 24th year of our Soveraign Lord King Charles the 2d.

Expird. 1. An Act for the defence of the Country.

preamble Whereas for the necessary defence of this Country & security of the Shipps & Vessells trading thereto, & trash goods & Merchandize that Sundry forts should be built in convenient places upon the Rivers, which accordingly have been effected but forasmuch as the materialls wherewith the said forts were built were not sufficient nor lasting, some have suffered utter demolishment some very ruinous & some with some small charge are capable of reparation; This grand assembly taking the same into their serious consideration and desirous as much as in them lyes to provide for the safety of this his Majesties Country, so far as that the present capacity thereof will admit; Hath thought fit to Ordain & enact and it is hereby enacted and ordained by the Governor Council & Burgesses of this grand assembly and the authority thereof that the forts or places the Rivers be built substantially with brick in all such places where the demolishment or ruine of the former forts shall require to be built anew and that those forts that are capable of being repaired shall also be done with bricks in all such places where the demolishment or ruine of the former forts shall require. And that the Commissioners of the respective associations do take care that this act be put

forts ruinated or demolished to be built anew or repaired with brick

who are to take care thereof

mito speedy and effectuall execution And whereas the monies arising from the forfeitures have been assigned to remain in stock for the use of the respective forts which at present is not sufficient to defray the charg of building & repayring. Be it further enacted by the authority afores. that it shall & may be lawfull for the Commissioners of each association & they are hereby fully authorised and impowered to assess & levy so much tobacco in their respective Counties, as shall be wanting & needfull for the building & repairing of their respective forts as aforesd and where as the act of Assy. hath provided for the management and Command of the forts & fortifications by further enacted by the authority aforesaid that no additionall be thereunto made &c. That upon all alarms or sudden Invasions or Occasions in the absence of the Major Generall the next Colonel or adjacent Commander to any fort shall draw down of his regiment his or their Company or Companys sufficient for the defence thereof. Till further order of the superiour officers and for assureance as against all kinds of danger it ought to be the care of all men to provide that their arms & habiliments of war be always kept fit and fit for service and that Armourers and Smiths may be encouraged to work &c. it is also enacted by the authority aforesaid that the Commissioners of the respective associations shall & do accept and rate the rates for the work of Armourers and Smiths and such artificers. And for the prevention of the great troubles that usually accrues to artificers in Collecting Severall Small accounts in payment for works done, that the said artificers

how levies are to be made for effecting it.

Comdrs to draw down their regiments.

Rates for works of Smiths & Armourers to be ascertained.

shall take from under the hands of those for whom they
worke & return the same to the Comissioners aforesaid
which accounts by them shall also be returned & stated
into their respective County Courts, when they are paid
the artificers to be paid by the County. & the
County reimbursed by the
persons.
the artificers to be paid in like by the Countie and
the Counties reimbursed by the person for whom the
worke was done. And that the said artificers may not de-
lay people which repair to them with their armes
be strictly injoined under a fine to be imposed by the said
Comissioners, to lay aside all other workes to go about
this of armes. And whereas it hath been a frequent
practice of many men upon sight of ships
or Vessells newly arriveing to goe on board not know-
ing whether they be friends or enemies, by meanes
of which opportunity hath been given & taken by ill
disposed persons to obtain Intelligence to the great preju-
dice of the Country, for prevention whereof for the
future; Be it enacted by the authority aforesaid
that it shall not be lawfull for any Canoe boat or
Sloop to go on board any Ship or Vessell that
shall arrive into any part of Virginia before the
said Ship or Vessell shall come to an Anchor and thereby are
known what they are. And if any shall offend
in this kind, each Canoe or boat shall be amerced
400 pounds of tobacco & cask & Sloop one thousand
pounds of tobacco & cask to be recovered by action
at Law the one moyety to the use of the County
where the offence shall be committed and the other
moyety to the Informer, but if Servants only have
the rule of such Canoe, boat or Sloop, they to re-
ceive for their punishment thirty lashes
but redeemable by the fine aforesaid, provided al-

~~wards that this clause of the present Law for preven-~~
~~tion of Imbeazlement to the enemy doe cease~~
~~to continue in force during time of war & no~~
~~longer.~~

2. An Additionall Act Concerning
Orphans estates.

Whereas the 66th. Act of the Grand assembly holden
at James City the 23d. day of March 1661. hath
laid down sundry rules unto the County Courts
for the management & securing the estates of Orphans,
now forasmuch as it hath been manifested to this
assembly that some Courts having endeavoured to
dispose of some estates of Orphans according to
that act have not found any persons willing to
take & secure them in manner & forme as that
law requires. This Grand assembly taking the
same into consideration and desireous that such
an expedient might be provided, that in such like Cases, neither the Courts nor the Orphans might
be prejudiced, have
thought fit that an additionall Act be made
thereto; Be it therefore enacted by the Governor
Councill & Burgesses of this grand assembly, and
by the authority thereof that it shall & may be
lawfull for the County Court to dispose of Orphans
estates according to the best of their judgments
and advantage of the Orphans in such cases where
the said Court cannot find persons will take Or-
phans estates according to the aforerecited
act.

County Courts authorized to dispose of Orphans or take account according to discretion.

3. An Act concerning tithe ables born in the
Country
for the better discovery of what persons born in
this Country and ought to be accounted tithe ables

and the ages of the younger sort to be sworne
Be it enacted by the Governor Councill & Burgesses
of this grand assembly & by the authority thereof that
all persons who are appointed by the County Courts
to take the lists of the tithables in each County shall
take an account of all Negro, Molatto & Indian chil-
dren within their severall precincts. And masters
or owners of such children are to make appeare
upon oath or vivâ voce the ages of them And that
all Negro & Molatto children & Slaves that shall
be born in this Country shall be by their respective
masters or owners within twelve moneths after their
birth be registred in the parish Register with
their true ages and in default thereof the said mas-
ter or owner shall pay levy for them for that
year and so yearly till such Register be made
And it is further enacted by the authority aforesaid
that all Negro women born in this Country shall
be accounted tithable at sixteen yeares of age.

anno. of all Negro Molatto & Indian children to be taken.

their ages to be made out by oath.

a Register to be made of all Negroes born in y^e. Country.

penalty for not doing it.

Negro women when tithable.

4. An Act limiting how long accounts shall be pleadable.

For the prevention & avoyding of many suits & con-
troversies, it hath seemed convenient to this grand
assembly to limit a time beyond which accounts may
not be pleadable, for answer also as there is a law
which admits no bylls pleadable after five yeares
Be it therefore enacted and declared and it
is hereby enacted and declared by the Governor
Councill & Burgesses of this grand Assembly & by the
authority thereof that accounts shall not be plead-
able after three yeares by any person living in

Accos. pleadable no longer then 3 yeares.

this Country, and not after five yeares by any perr-
son that shall lay Claime by accounts out of this
Country; this Act not prolonging any thing to
Act conterminig accounts against deadmens es-
tates.

five yeares

5. An Act Concerning Servants Sold for the
customs.

Whereas it hath been the practice of diverse Ser-
vants, who have been sold for the customs after
the departure of the Ship wherein they arrived
and persons who sold them, to produce or pretend
Indentures for short time whereupon disputes
have frequently arisen between the said Servants
& their masters, for prevention whereof for the
future Be it enacted by the Governor Council
Burgesses of this present Assembly, and the author-
ity thereof that every Servant who comes in
presumeable without Indenture, and so sold for
the customs, shall by his master be brought before
some Justice of the State to declare whether he
hath any Indenture, and if the Servant shall alleg
he hath but cannot at then produce it, the said
Justice in this case shall assigne him one months
time within which if the Servant fail to produce
it, he shall be barred from his clayme by pretence
any pretended Indenture whatsoever.

Servant to produce Indenture in certain time.

6. An Act for Suppressing of Vagabonds and dis-
posing of poore fatherless Children.

Whereas all over all wholesome lawes & Statutes have
by the wisdom of Severall Parliaments of England
been made and are in force as well for the suppression
of Vagrant and idle persons as for setting the poore on

on worke the neglect of which lawes amongst us hath
encouraged & much increased the number of vagabond
and dissolute persons, Be it enacted and it is here-
by enacted and Ordained by the Governor Councill
and Deputyes of this Grand Assembly & the authori-
ty thereof, that the Justices of Peace in every County do
put the lawes of England against Vagrant, idle &
dissolute persons into Strict execution, and that the
respective County Courts shall & hereby are authorised &
impowered to place out all children whose parents
are not able to bring them up Apprentices to trades meete the
males till one & twenty yeares of age & the females
to other necessary imployments till eighteen years
of age & no longer, and the Churchwardens of every
parish shall be strictly enjoined by the Court to give
them an account annually at their Orphans Court
of all such children within their parish as they
judge to be within the said capacity.

justices to put y. laws of England in Execution against Vagra. nts

to place out children to trades men.

Churchwardens to give an acco. to y. Justices of poor children.

## An act concerning Swamps & Marshes.

Whereas divers all unknowne rights may arise to many
Inhabitants of this Country, who have Lands adjoin-
ing to Swamps marshes & sunken Lands unpa-
tented, if any others, who are disjoined from the
same may bee admitted presently to take up and
patent them this Assembly taking the
same into their consideration, & being willing that
unnecessary Controversies be prevented to them, from
which in this case they need not fear but by their
grounds shall have enacted and Ordained and it is
by the Governor Councill & Burgesses of this grand
Assembly & the authority thereof enacted and ordained

that it shall not be lawfull for any person whatsoever to take up any marshe Swamps or Sunken Lands adjoining to any mans land, but shall first give notice to the Owner or Owners of the land to which it adjoineth who shall have one yeares time to peruse whether he or they will take up the same or not and in case at the expiracon of that time the Owner or Owners of the land adjoining to the said Marsh, Swamp or Sunken land, shall refuse to survey & patent the same it shall then be lawfull for the first person who gave notice aforesaid, to survey & patent the same according to law.

who may take up Swamp Marsh or Sunken Lands.

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10. An Act Declaring how far wills &c. are pleadable against their testators, if dead.

Whereas it hath been controverted whether wills charged on persons by a man in his life time and pleadable after his decease for debts or in relation to the disposall of the yeares crop could be purged of this grand assembly, have Enacted & ordained, & it is by the authority aforesaid Enacted & ordained that all such wills shall be pleadable, if by comparing of hands or otherwise it shall appear to have been the act of the deceadent and the person who claimes shall make Oath of the just truth thereof, and that he hath not received satisfaction for the same or any part thereof, provided always it be sued for within twelve moneths after the parties decease, and within three years at most after the date of y^e^ will.

wills pleadable after decease of the party

proviso.

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## At a Grand Assembly.

holden at James City by prorogacon from the 21th day of September 1692. to the 20th of October 1693. in the twenty fifth year of the Reign of our Soveraign Lord King Charles the Second

## 1. An Act for the establishing the Dowers of widowes.

Where as many doubts have arisen concerning the estate of persons dying intestate & of what part thereof ought to appertain to the widow, for the clearing whereof it is enacted by the Governor Councill & Burgesses of this grand assembly & the authority thereof, that where persons dye intestate the widow shall be endowed to the third part of the reale estate to be equally divided as to howsing, fences, grounds, orchards, woods & other Valuable commodities during her naturall life, and the third part of the personall estate, if there be but one or two children, but if there be any more, how many soever, in that case the personall estate to be devided amongst the widow & all the children, share & share alike, and in case the husband make a Will, that he hath it in his power to devise more to his wife then what is above devised but not less.

Widows to have 1/3 reale estate for life

how to be divided.

how personall estate of intestates is to be divided.

## 3. An Act for the better putting in execution the act for processions.

Whereas it hath been represented to this assembly that the act for processions hath been found to be put in execution for that the ascertaining the bounds of Orphans Lands is not thereby provided for; Be it therefore enacted and Ordained by the Governor Councill & Burgesses of this grand assembly & by the authority of the same, it is enacted and Ordained that the Lands of Orphans be also comprised in that act, that is to say, when difference shall happen to arise concerning the Bounds of Orphans Lands, & cannot otherwise be decided nor the bounds of the adjacent lands discovered, that then such Orphans land be laid out by two honest able Surveyors in presence of the neighbours that the said Difference

how the bounds of Orphans lands are to be laid out, in processioning.

hood, and two such men as shall be appointed by the County Court, on the behalf of the Orphan, and the charge thereby arrising to be defrayed in manner following, viz. the Orphan to pay one halfe of the Survey of his own land, and the Owner or Owners of the lands adjacent, whose bounds are thereby also ascertained the other halfe, and the whole charge of Surveying his or their lands. ✠

how y. charge thereof to be born.

## At a Grand Assembly.

held at James City by prorogacon from the 20th day of October 1653. to the 21st day of September 1654. and in the 26th year of the Reign of our Soveraigne Lord King Charles the Second.

### An Act ascertaining allowance for Voidoues Summoned to the Generall Court

Whereas it hath been considered that the allowance which the Law hath formerly given to witnesses, who are often Summoned from remote Places to give in evidence at the Generall Court, is too little, as also for their attendance & expence in Court, Be it enacted by the Governor Councill & Burgesses of this grand Assembly & by the authority thereof That fifty pounds of tobacco & caske be paid to such witnesses as come to James City by water by land and upwards, and that all witnesses have sixty pounds of tobacco & caske per diem for their expences the time of their attendance there.

allowance to Generall Court witnesses

### An Act prohibiting the Justices of the Generall County Court for buying tobacco upon the people for their accomodation & expence whilst they are keeping Court.

Upton.

September 21. 1674.

Whereas it hath been complained of to this Assembly, that it hath been the frequent practice of some of the Justices of the several County Courts of this Colony at the time of laying their Levy to assess upon the people of their respective Counties certain sums of Tobacco for the paying & satisfying their expended and accomodations whilst they are holding Court and attending thereupon, which practice is by this Grand Assembly adjudged illegall. Be it therefore enacted by the Governor Council & Burgesses of this Grand Assembly and by the authority thereof that no County from hence forth pay or allow for the accomodation of the Justices at their County Courts any Order usage or Custome to the Contrary in any wise notwithstanding.

no County to pay for their justices accomodation.

6. An Act commanding such Indians who keep hogs, to marke the same.

Whereas complaint hath been made that divers the Inhabitants of this Country have received injurie by the Indians in their Stocks of hogs, against whom scarcely any legall proof can be produced to discover and convict them. Be it therefore enacted by the Governor Council & Burgesses of this Grand Assembly and the authority thereof, that Indian proofe as well as other legall proofe shall from hence forth be good against Indians to convict them on this act against hog stealing, and that those of the Indians who keep hogs doe & are hereby ordered & required to give such a particular marke for that Towne where they live, as shall be appointed by the adjacent County Courts.

Indian proof good against Indians

Indian hogs to be marked with a mark particular to y^e Towne they belong

7. An Act impowering some Courts to make good acknowledgment of Sales of Land.

Whereas the Legall way in England of passing Estates, where the Authoritaure is in a Some Court is by way of fine & recovery, and it being thought all way in this Country for many yeards, we having no fines & recoveries that Sales have been made by the husband & wife of the Authoritaure of the wife by conveyaunce from them, & the said Conveyaunce acknowledged in the Generall or County Courts by the husband and the wife the wife being first privately examined by the Court whether she acknowledgeth the same freely, but there being no Act of Assembly to authorize the same, Bee it therefore enacted by the Governor Councill and Burgesses of this grand Assembly & by the authority thereof, that all such Sales & acknowledgments that by husband and wife have at any time heretofore been made in manner & forme as aforesaid, or shall hereafter be made shall be good & effectuall against the said husband & wife, their & every of their heirs & assigns and against all other persons claiming by from or under them or any of them and that to all intents and purposes as if the same had been done by fine & recovery or any otherway whatsoever

Ke. Act.

All Sales and acknowledgment made by husband & wife to stand good in Law

Reima. 109

## At a Grand Assembly

held at James City by prorogacon from the 21. day of September 1676. to the 7th day of March 1675/6. in the 28th year of the Reigne of our Soveraign Lord King Charles the Second.

all the acts of this Assembly are repealed or expired

N. B. 4 pl. p.

February 20. 167⅚.

## At a Grand assembly

holden at Jamd City the 5th day of June 1630.
in the 28th year of the Reign of our Soveraign
Lord King Charles the 2d.

All the acts of this assembly repealed by his Mats instructions and proclamacon. and also by the 4: act of 20th February 167⅚. Vide Large Vol. fol. 90 90.

## At a Grand Assembly.

begun at Green Spring the 20th day of February
in the 29th year of the Reign of our Soveraigne
Lord King Charles the 2d. 1676–7.

Repeald 1699.

6. An Act ascertaining the prices of Lecquots.

Whereas complaint hath been made to this assembly
that for time past there hath been vsually taken
& received for all & divers sums of money from
the Inhabitants of & traders into this Colony under
the notion of Lecquot money in some places One
penny pr hogshead and in some places two pence
pr hogshead for each Lecquot or receiver all which
arising for tobacco shipped, or diverse & sundry
marked in one bill of loading, and that there
hath hitherto been no law or act of assembly
for the same & it therefore enacted by the Gov-
ernor Councill & Burgesses of this grand
assembly and by the authority thereof and it is
hereby enacted, that from & after the publica-
tion hereof the rate & price for every Lecquot
be as followeth. One half penny pr hogshead for
all sorts quantities & parcells as shall be contained
in one bill of loading or entry which shall
not exceed the number of twenty hogsheds & twelve

th pr ac. for all parcels under 20 Hogsheds

pound for every Cocquet for all such quantities as
shall be contained in one bill of loading or entry
which shall exceed the number of twenty hogsheads
and no more shall be taken for each Cocquet, unless
different marks shall be mentioned & contained
in one & the same entry or bill of loading; and be
it further enacted by this present grand assembly
and the authority thereof & it is hereby enacted
that the acts of assembly made in the years 1661
the acts made in the years 1666. & 1668 which al-
low the impost money of two shillings p hogshd
to such owners as should procure in Virginia to loade their
to such a proportion of such ships or vessels as should
(as) revealed except only
by have been built or hereafter shall be built in
Virginia and shall wholly belong unto ffree
planters residing in this Country. provided al-
ways that such ships as are now or shall be
and are wholly belonging to Virginia Owners
be for this present voyage free from paying
the said impost according to the intent and mean-
ing of the aforerecited acts. And be it fur-
ther enacted that for the time to come there
be no fees taken for vessells or ships built in what fees may be
this Colony & belonging wholly to the Inhabitants taken for Virginia
of this Country, other than two shillings & six pence vessels.
for entry, two shillings & six pence for clearing
to trade two shillings six pence for cleering
and two shillings & six pence for the bond.

12. a Cocq. for ea
aboard &c. English

## An Act limiting masters dealing with their Servants.

Whereas sundry complaints are made that
divers & sundry masters of servants during the

Masters not to deal or bargain with their Servants.

except in presence of & with ye approbacon of Justice

penalty for doing it

time of Several their Servants Service, and more especiallye in the Small time before the expiration of their time of Service, do by indirect meanes make sundry & divers bargaines and agreements with their Servants to their own unreasonable advantage, and to the Servants great injury hurt & damage, who because of his coverture is drawn in & often-times is necessitated to comply with the avaritious temper & unreasonable desires of Such master, for the prevention whereof for the future, Be it enacted by the Governor Councill & Burgesses of this Grand Assembly & by the authority thereof it is hereby enacted that from & after publication hereof, it shall not be lawfull for any masters or Servants to make any bargain or agreement with his Servant for or concerning the time of his first Service by Indenture or Custome of the Country is expired & fully ended either for Such Servants corne & cloathes or otherwise, except the same is made & confirmed betwixt Such master & Servant bargaining & agreeing in the presence & with the approbacon & good liking of Some one or more justice of the peace in the County where Such master resides, upon the penalty of forfeiting to Such Servant, Such time of Service as shall be due to the master at the time of making Such bargain, otherwise & in other manner then is herein by this Law set downe and & intended & also all other advantage & agreements contained contrived or mentioned in Such bargain or agreem

wnatsoever

Needlesse. Obsolete.

9. An Act for repealing the Act allowing fees to Constables to divers persons.

Whereas by diverse Acts of Assembly it is provided that every respective Councellor & ten of his family shall be free from paying any publique or County levies & also that every minister & six Constables for their attendance at Grand & Generall Court times & times of Assembly be free from paying levies; which Lawes are found unequall & inconvenient: Be it therefore enacted by the Governour Councill & Burgesses of this grand Assembly & the authority thereof it is hereby enacted that all & singular the Lawes & Acts of Assembly concerning the fees allowed to Constables shall be & are hereby repealed; and that in stead thereof annually paid and allowed out of the severall Counties upon the Levies of two shillings & three pence per poll to the Counties attending Generall Courts & Assemblies, over & besides the two hundred & fifty pounds Sterling according to Generall Custome & Order of Assembly usually heretofore paid unto them, one hundred pounds Sterling, which together with the said two hundred & fifty pounds Sterling make in the whole three hundred & fifty pounds Sterling and that all the said 350 l Sterl. to be annually paid as aforesaid. Shall be distributed & proportioned amongst the Generall Councellors attending at Generall Courts & Assemblyes according to their attendance at the same proportionably: which distribution & proportioning shall be annually made by the honorable the Governour and the Generall

a repeal of all Lawes &c. for Constables.

allowance to the Councill for attendance at Gen.ll Courts &c.

how to be distributed.

Councellors attending to their attendance more or less at
Generall Courts or Assemblyes. And be it further enacted
by this Grand Assembly & the authority thereof that there
be annually paid out of the said Publick money to such mi-
nister or ministers as by the Hon.ble the Governor shall be appointed and shall attend at Generall Court
or Assembly five pounds sterling for their attendance
for every Generall Court or Assembly they shall attend
and that no person or persons hereto for liable by
any Law, Custom or usage be from hence forth exempted
from paying publique or County Levies, shall hereby
exempted the Governor & his Servant excepted the
single persons of every one of the Counties Assistants
Ministers Magistrates in this Country & such Levies or
ministerial persons as either already are or shall from
time to time be ordered to be exempted out of the Levy
by the County Court where they dwell.

allowance to Ministers for attending at Gen.ll Court.

who are exempted from paying levies.

## 10. An Act Regulateing Ordinaries and the prices of Liquors.

Whereas the multiplicity of Ordinaries in this Colony is found
to be pernicious & hurtfull to the Inhabitant & Civil
Government Enacted by the Governor Councill & Burgesses
of this Grand Assembly & the authority thereof, and it is
hereby enacted that from & after the publication of
this act there shall not be admitted & licensed
sed above two Ordinaries in any one County of this
Colony at one time, except in that County where the
Generall Court shall be held, and that the power of
granting Licenses be in the respective County Courts the
Hon.ble the Governor being paid for such License
according to former Lawes in such case, and that no
person be licensed to keep Ordinary but such as are

not more then two Ordinaries in any one County, except where the Gen.ll Court is

amounted able & will enter into sufficient bond to find
and provide constantly for drawallors good dyet, lodging
and horsmeat, & will take & sell their provisions &
liquors according to the rates & prices hereafter set
downe & allowed by this Lawe, upon such penalty
& forfeiture as shall be thereon provided & inflicted,
which said penalties shall be & belong the one
half to the person or persons who shall informe
and sue for the same, & the other half to the county
wherein the same shall be forfeited. And be it
enacted by this grand assembly and the authori-
ty thereof that all ordinaryes selling liquors, prices of liquors & dist & lodging at ordinaries.
do demand or take no more for Virginia drachma
or strong beer or Ale then is set downe in the
Act of Assembly made in September 1671.
that the rate for cyder & Perry if boyled be twen-
ty pounds of tobacco for one gallon & if raw
eighteen pounds of tobacco for gallon; that the
price of lodging be three pounds of tobacco for
one night; that the price for dyet where the
general court or assembly is held be twelve
pounds of tobacco each meale for the master,
& eight pounds of tobacco for the servant and
in all other ordinaries in the county ten pounds
of tobacco each meal for the master & six pounds
of tobacco for the servant, that the rate for horse Horse pasturage & hay & stable, corn
pasturage be six pounds of tobacco for one day
& night, & if housed for straw & hay eight
pounds of tobacco the day & night, & for Indian
corn after the rate of forty pounds of tobacco

for burthen for Each after the rate of sixty pounds of tobacco the Burthen, And that all Ordinary Keepers bee are hereby injoyned to secure all horses that they have charge of from running away or being stolne upon the penalty of paying the charge for finding the horse or horses, or paying for them if lost. And that the justices of every respective County Court within this Colony bee injoyned in the months of May & November yearly to meet at their County Courthouse & there set the rates on all such liquors as are not herein mentioned & rated according as the market Serves the peculiar for such liquors And that no Ordinary Keeper presume to advance and take for such liquors so by the justices rated above ten per Cent upon the penalty & forfeiture of the exhorbitant Excessive rates by them demanded or taken, & that all such persons buying & selling at Ordinaries who shall at any time pay more then rates & prices then is hereby allowed & set downe for every such payment or obligation for payment forfeit & pay five fold the sum soe overpaid, and that all those County Courts neglecting to meet and there rate & prices as aforesaid, to forfeit five thousand pounds of tobacco & casks, all which fines shall come & belong the one half to the use of the County where such forfeiture is made, & the other half to him or them who shall inform & sue for the same.

Ordinary Keepers to secure all horses.

penalty for not doing it.

Justices to set y^e prices of liquors twice a year.

Ord^ry Keepers not to exceed ten p^r Cent penalty if they do.

persons y^t pay greater rates fined.

County Courts neglecting to adjust the rates fined.

17. An Act Regulating Burgesses expenses.

Whereas by former Acts & Orders of Assembly it is provided enacted and ordered that the allowance to every respective Burgesse for necessary diet & charges attending at Assembly be for every day one hundred and fifty pounds of tobacco over & above the necessary ~~cost~~ charges & Expences

of his comeing to and & retourneing from the assembly and also the unavoidable cost & necessary charges of his waiting servant & horse, is complained of as grievous & burthensome to the people this assembly having taken the same into their serious consideration, doe enact, and be it enacted by the Gover nor Counsell & Burgesses of this present gr and assembly & the authority thereof, and it is hereby enacted, that for the time to come there shall be allowed & paid & every respective Burgesse which shall attend at any assembly hereafter to be called, the sume of one hundred & twenty pounds of tobacco & casks per day, and for such allowance to continue & ceasing two dayes before the first day of every assembly & to continue the whole sessions of every assembly, and two dayes after for convenient time to every Burgesse to repair home and to prevent the great charges & abuses that may arise by Burgesses comeing to assemblies in sloops and boates, Be it enacted by this present gr and assembly and the authority thereof, that over & above the one hundred & twenty pounds of tobacco per day allowed for each Burgesse for his dyet nor, there be allowed for the charge of a sloop, two men to Sayle the said sloop & their provisions for the two counties of Northampton & Accomack six pounds of tobacco per day & no more. and that the charge of a boat, two men to row & their provisions, being

allowance to Burgesses yt. come by land

117

Sgima

allowance to Burgesses that come by water

ing such Burgesses as can come no other way but by water be thirty six pounds of tobacco per day and no more, and that the charge for horsehire for such Burgesses as come by land be ten pounds of tobacco per day for each horse used, and that their unavoidable charges of ferriage over the Rivers in their coming to & returning home be also allowed them. And be it further enacted by this present grand assembly, and the authority thereof and it is hereby enacted that if any great occasion shall require that an assembly be called before there are houses of entertainment built that then those Burgesses that must of necessity come by water in sloops, have the same allowance with the Eastern shore Burgesses, and those other Burgesses who must necessarily use coaches to bring their provisions, and other necessaries have the aforesaid allowance of thirty six pounds of tobacco per day & no more, & that for the time to come no expences of Court be allowed & brought to the publique account. //

no Comittee expences to be allowed.

## At a Grand Assembly.

begun at Middle Plantation at the house of Capt. Otho Thorpe, the 10th day of October 1695 in the 29th year of the Reign of Our Soveraign Lord King Charles the 2d

1. An Act imposing fines upon defaulting Grandjurors.

for asmuch as the thirty eight Last Assembly in

Lands

the prmitted ~~vnder~~ directing & commanding that ju-
ries of Inquest be impannelled & sworne in every
County to the ends & purposes therein mentioned,
is by reason there is no fine set upon the Justices
neglecting to appoint & swear the same, nor upon
the jurors not making due enquiry & present-
ment according to the true intent & meaning
thereof become generally neglected and mis-
devised, & frustrated by the Governor Coun-
till and Assembly of this ground aforesaid
and the authority thereof, and it is hereby enac-
ted, that the Justices of Maryland within
this Province neglecting & omitting unto every
year, either or upon the last day of April, to
make choyce & swear a jury of Inquest
according to the true intent & meaning of the
before recited Law, shall be fined for every
such omission two thousand pounds of tobacco
the one half to the Informer & the other half
to the County use, And each jury of Inquest
not making appearance at the times appointed
in the said Law or not making Inquest & pre-
sentment according to the true intent & mean-
ing thereof shall be fined, each jury man mak-
ing such default two hundred pounds of tobac-
co, the one half of which fine to be paid to
the Informer & the other half to the use of
the County for every such default whereof they
shall be lawfully convict.

Justices neglecting to impannel grand juries fined

jurs. not appearing fined.

Vpholst. obsolete.

2. An Act prohibiting private Compositions.

for asmuch as very many complaints have been made of the unreasonable Compositions made by divers persons for trespasses done in time of the late rebellion for prevention whereof for the future be it enacted by the Governor Councill & Burgesses of this present Grand Assembly & the authority thereof and it is hereby enacted, that for the time to come no Composition shall be made with any person whatsoever for any horse boate arms cattle hogs sheep goods or any other matter or thing whatsoever of soldiers or others in the late rebellion, but such as shall be made & acknowledged in open Court, and that each such be & are hereby required to take notice of such Compositions & that they are not oppressive: And whatsoever agreement or Composition shall be otherwise made or any bill or obligation taken for such Compositions to be Null & void. And be it further enacted by this present Grand Assembly and the authority thereof and it is hereby enacted, that all such persons who for the time to come shall bring suit in any Court of Record for any trespass or trespasses committed in time of the late rebellion, shall before their suit shall be admitted ascertain & prove their whole loss or claim for the trespass done, at that time or under for which they shall bring such account, & also give their oath upon their perfect if the same shall be required, or else goods have been returned what recovered by Law & what composition they have made for the same or any part thereof. to the end it may be known

Compositions relating to damages received in the late Rebellion to be made and acknowledged in Court or else to be voyd.

what persons shall bring suit for damages are to doe

when such claimes or suits may have end. And forasmuch
as divers ill disposed persons do frequently notwithstand-
ing the late act of assembly, acquiring the comon
people to the quarrells breaches & heart burnings
amongst us, in using by names & termes of distinc-
tion viz. Traytor. Rebel. Rogue. Roundh or such like
by which meanes it is like impossible ever to unite
this Colony to its former estate of love & friendshipp
though wished for, and desired by all good people. Bee
it enacted by this present Grand assembly and the
authority thereof, and it is hereby enacted that who-
soever shall presume to use any such aggravations
or termes of distinction as aforesaid. and shall be
thereof lawfully convict shall for every such of-
fence forfeit & pay four hundred pounds of tobacco
to the use of the parish where such offence shall be com-
mitted; And whereas as on the other side, divers fu-
dolent persons who have been deeply concerned
in the late Rebellion, wilfully and obstinately
shew great pretumeing upon the gracious pardon
granted by his Majesty, with unseemly & offensive
language urge & provoke those who have been loyall
great sufferers in those late unhappy troubles to
utter in their passion such words as otherways they
would not doe, both which being highly esteemed in-
jurious & prejudiciall not only to his Majesties Laws
but also to the desired unity of this Colony. Bee it there-
fore enacted by this present grand assembly &
the authority thereof and it is hereby enacted that
whosoever shall at any time offer such provocation
by any language to any Loyall person whatsoever

aggravations and termes of distinction forbidden

penalty for using them.

provocations by language to any loyall person not to be used

penalty for it

as shall by the Court, where the same shall be complained of be adjudged a sufficient provocation for reviling bad language, such person using such provocations be also fined & pay four hundred pounds of tobacco & also to be disposed of by the Vestry to the use of the parish where such offence shall be committed.

4: An Act imposing fines on Sheriffs concealing tithables.

Be it enacted by the Governor now Council & Burgesses of this present grand assembly, and the authority thereof and it is hereby enacted, That whatsoever Sheriff, Collector or Receiver of the Publique or County levy shall be found to levy and receive tobacco due upon concealed tithables & shall not give account to the next County court thereof, after his authority or collection of the same but shall convert or endeavour by such concealment to convert the same to his own use, & shall be thereof lawfully convict shall be fined & pay the penalties imposed in the former statute acts of Assembly for concealed tithables.

penalty of Sheriffs concealing tithables

5. An Act for ascertaining the prices of double quantities.

For asmuch as divers persons making advantage thereof to themselves, thereby to save the trouble and charge of making new taken up Dividends of land do customarily add new tract of land to former patented Dividends, Be it therefore enacted by the Governor Council and Burgesses of this present grand assembly & the authority thereof and it is hereby enacted that it shall & may be lawfull in such case for new

Secretary to take as his due fee so many hundred eighty pounds of tobacco as there are lands in all tracts of land in such Patent but where lands in all old tracts of land formerly patented, shall be drawn into one new Patent, the new lands not patented as for, added thereto, in such case the fee for such Patent shall not exceed eighty pounds of tobacco. ##

fee for double patents.

8. An Act for restraining the Impress of Timber, &c.

for as much as divers Complaints have been made that it hath been hereto fore practiced to impress and take from any mans land such timber trees, as those who pretended to have such power were pleased to take, to the great hurt & damage of such persons owners of the said lands & timber from whom the same hath been taken, & contrary to the right of property and

Persons impowered to impress timber to make composition with the owner first

unto & to the said lands & timber, to the end that no such abuses & misdemeanors may for the future be offered & done, Be it enacted by the Governor, Council & Burgesses of this present Grand Assembly, and the authority thereof, and it is hereby enacted, that no person under pretence of any power or warrant whatsoever that shall be employed for the time to come to procure & impress timber for Publique use or other purpose use or intent whatsoever, shall or may take or impress any timber from any mans land whatsoever, before he or they so impowered or pretending to be impowered shall have first made Composition or agreement with the Owner thereof for the price of the same, and shall

have made ready payment or given sufficient caution for payment according to such Composition or agreement, upon the penalty of paying for each timber tree so taken without composition or agreement as aforesaid, five pounds sterl. according to a former law in such like cases made and provided. Provided always that the Owner of such timber as shall be wanted for Publique use shall be unreasonable in his asking a price therefor, yielding the advantage of the necessity thereof to be had taken for publique use, that in such case it shall be lawful to procure a valuation thereof to be made by two good & honest men of the neighbourhood upon their Corporall oathes, which price being paid or secured to be paid shall in such case be forthwith & for ever a sufficient discharge for as much as great complaints have also been made to this Assembly of divers injuries and abuses which have been lately perpetrated & done by persons imployed to impress timber for publique occasions and also divers complaints have been made that of late divers persons have presumed to impress sloops, Carts, boats, horses, &c. without lawfull power so to do, to pacify & prevent the like abuses for time to come, Be it further enacted by the Governor Council & Burgesses of this Grand Assembly and the authority thereof, and it is hereby enacted that from henceforth no person whatsoever shall presume to impress any sloop, shallop, boat or other vessell horse, cart, or any provisions, goods or merchandize whatsoever, without sufficient warrant, & that such warrant be shewed to such person from whom they are about to impress such sloop, boats, &c. and that whosoever shall by virtue of a legall warrant impress

penalty.

if the Owner be unreasonable the timber to be valued by whom

such as shall impress sloop &c. to produce their warrant first to the Owner

any sloop, shallop, boat, or other vessell, shall thereby have power to cause two men of the ablest of the neighbour-
hood to view & appraise such vessell in the best of their
judgments to the full value, & also to ascertain the value
of the hyre thereof, either by the day or by the month,
and that instruments or writeings be drawn up in-
timateing the valued also the price of the hyre by the day or
by the month, of which a Duplicate to be drawn, the
one of which is to remain with the appraisors & the
other part with the owner or owners of such sloop or
boat, &c. and such owner to bring such instrument
or writeing to the next County Court, where if such
sloop, boat, &c. were impresst for the use of that County,
then to be payd out of the County Levy attending to the
tenor of the writeing or instrument, but if the same
were impresst for the use of the Publique, then the County
Court is to return certificate of such instrument or
writeing; but if it shall so happen that such
sloop boat &c. shall be cast away or lost in the service, &
then the owner of such sloop, boat, shallop, horses, &c.
shall be at his choyce whether he will have the value
according to appraisement or the wages ascertain-
ed in the writeing, which the Publique or County
must see punctually paid. And if it shall happen
that the Publique or County shall have occasion
to impress provisions of what nature or kind
soever the same is likewise impowered to
cause two men of the ablest of the Neighbourhood
to appraise the same and return a note cer-
tifying the quantity & price to the next County Court
where if impresst for the Countries use, to be paid
out of the County Levy & if for the Publique use

valued. — and to have them

Valued price for yt. hyre to be ascertained.

in case of a loss the owner to have his choyce of the apput. or hyre.

like method of apput. to be observed in impressing provision.

said instrum. or

the County Court to return an attound thereof to the next assembly, where full satisfaction shall be made according to appraisement, And if the County or Publique shall impress any man, that he be paid, if betwixt the tenth of September & the tenth of March, ten pds of tobacco per day, & if betwixt the tenth of March & the tenth of September fifteen pounds of tobacco day for the first ten dayes, And if he shall be continued in such imployment more then ten dayes at a time, then for all such time as he shall serve above ten dayes, betwixt September & March, after the rate of two hundred pounds of tobacco per month, & betwixt March & September, after the rate of three hundred pounds of tobacco per month. & if any horse or horses be impress by the Publique or County, the Owner or Owners of such horse shall receive fifteen pounds of tobacco per day for the first twenty days and if he shall be continued longer then twenty days for all the time he shall be imployed over & above the twenty dayes, after the rate of ten pounds of tobacco per day, and before the impresser shall take such horse or horses impress away, he shall first or ing two able honest men of the neighbourhood to appraise the said horse or horses and accordinig shall be drawn & signed estimateing the value, and if such horse or horses be killed in the service, or otherwaies lost, it shall be at the choyce of the Owner of such horse or horses to receive the value as appraised or the wages for him, if for the use of the County to be paid by the County, if for the use of the Publique, to be accordingly paid upon producing certificate from the County Court as in the Act

Wages of men impressed, ascertained

Rates for horses impressed.

and method to be observed in impressing them,

of Sloop &c. And in case any person or persons shall notwithstanding this Law, presume to impress and carry away any Sloop, boat or other vessell, or any cart horse, armes, provisions, or any other matter or thing whatsoever, contrary to the true intent & meaning thereof, shall be amerced double the value of any such Sloop, boat &c. horse, armes, provision or any other matter or thing so by him or them impress and taken away, to the use of the Owner or Owners of such goods, to be recovered by action of trespas in any Court of Judicature within this Colony.

persons not obser-ving this law in impressing.

amerced

9. An Act Selling the forme of Patents.

Absolete.

Whereas Secretary Ludwell have ing presented a new forme of a Patent exactly agreeing with the now late stile for under the broad Seale of England in these following words, to all to whom &c. & &c. Send &c. Whereas his most Sacred Majesty hath bee most graciously pleased by his Royall Letters Patents under the great Seale of England, bearing date at Westminster the tenth day of October in the twenty eight year of his Reigne amongst other things in his said Letters Patents graunted to continue and confirm the Ancient privileges & power of granting fifty acres of land for every person imported into this his Majesties Colony & Virginia. Now Know ye that I the said &c. doe with the consent of the Councill of State accordingly give & grant unto &c. Be it therefore enacted by the Governour Councill & Burgesses of this present grand assembly, and the authority thereof and it is hereby enacted. That all

forme of a Patent

~~Patents shall be drawn hereforward in the above~~ ~~forme~~ ~~order to the end they may be~~ ~~sure~~ ~~valid in law.~~

10. An Act ascertaining Coroners fees.

for asmuch as some doubts have arisen concerning Coroners fees in this Colony, and it being necessary to declare by a law what the same shall be, Be it therefore enacted by the Governor, Councill & Burgesses of this present Grand assembly, and the authority thereof, and it is hereby enacted, that a fee for a Coroners Inquest shall be fifteen shillings & four pence, according to the former allowance in England in such cases, provided they three pounds of tobacco & caske, at the choise of the Coroner, to be paid out of the estate of the person deceased, if such there be, and for want of such estate by the county where the party causing the Inquest dyes. And where there is no Coroner in the County that the Justice of the peace doing the office, have the fee.

a Coroners fee what.

where no Coroner a Justice impowered to do his office.

Jl ma 125

At a Grand Assembly begun at James City the 25th day of Aprill 1639. and in the 15th year of the Reign of our Soveraign Lord King Charles the second.

2. An Additionall Act for better preventing stealing of hogs.

Whereas notwithstanding the former law against hog stealing the same is dayly practised, to the great damage of the Inhabitants of this Country; for prevention whereof Be it enacted by the Governor, Councill & Burgesses of this Grand Assembly, and the authority thereof, and it is hereby enacted that this following addition be made to the former law, viz: That for the first offence of hog stealing, whereof any person shall be convicted, the party shall be adjudged accord-

ing to the said law, and if any person haveing been once convict of hogstealing, shall a second time be convict thereof punishment for 2d
shon for such his offence he shall stand two hours in the offence of hogstealing
pillory, and have both his ears nailed thereto and at y
expiration of the said two hours, have his ears cut close
from the nayles, which penalty & punishment shall be
adjudged & inflicted against & upon the offendor by any
County Court in Virginia, any law to the contrary not-
withstanding, and whosoever shall be taken a third
time stealing of hogs, that then he be tryed by the law punishmt. for 3d
of England as in case of felony. offence.

A An Act declareing how far accounts are pleadable a-
gainst dead mens estates.

Where as the 95th act of assembly in the printed lawes,
making no accounts pleadable against dead mens estates
is found too severe, and that many Executors and admini-
strators of dead mens wills & estates have bin taken
too great an advantage thereby, to the great injurie &
great prejudice of many creditors to such estates, for
prevention whereof for the time to come, and to the end
all just debts may be recovered against the Debtors estate
It is enacted by the governor, Councill & Burgesses of this
grand assembly, and the authority thereof, and it is hereby
enacted, that from hence forward all accounts brought
against a dead mans estate for any debt made & contracted
to be within one year before the partis death, but no
longer, shall be pleadable, and recovered against
the debtors estate, and for longer time without pre-
scription, if the party in debt shall after contracting such
debt remove or abscond himself from the County, where he

what accounts
pleadable &
dead mans estate

how the s.d amounts are to be proved

he lived at contracting the same. provided always that all such accounts & claimes as shall be brought against a dead mans estate, be fully proved in Court by the oath of the Creditor & one witness more, and that the party claiming & suing for such debt, do himself appear and in open Court make oath upon the holy Evangelists that the same is really due, without any discount to be made, or credit to be given that he knows of #

Repeal'd, 1699.

## 6. An Act ascertaining Collectors fees for entring & clearing Ships &c.

Whereas dvers Complaints have been made to this present Grand Assembly, that dvers Collectors in this Colony have exacted & taken great & unreasonable fees, for entring & clearing Ships & smaller Vessells, trading into this Country, which if permitted & continued might prove prejudiciall to Trade, for prevention whereof for the future, Be it enacted by this present Grand Assembly and the authority thereof and it is hereby enacted that from hence forward no Collector or Collectors shall or may demand or take other fees for entring and clearing of any Ship or Vessell coming into this Country, than by this Law is ascertained and allowed to be taken, that is to say, for every Ship or greater Vessell burthen twenty tons or under fifteen shillings & no more, and for every Ship or other vessell burthen above twenty tons thirty shillings & no more. which sums shall be in full payment of the fees for entring clearing Licence to Trade, and for taking such bonds as are by Law enjoyned to be given & taken at the entring & clearing of Ships & other Vessells trading thither

Collectors fees setled

## 7. An Act for securing Orphans estates.

Whereas the 66th Act of Assembly in the printed booke relateing to Orphans estates is found too short & deficient

and that by the neglect of the Courts in takeing Security upon graunting Orders for Administrations, great prejudice haue ensued & may ensue; for the better prevention thereof for the future Be it enacted by this present Grand Assembly and the authority thereof, and it is hereby enacted that before any Order for Administracon upon estate of deceased persons shall be graunted to issue forth from the Office, soe as Letters of Administration shall or may thereupon pass and be signed by the Justices as by the Lawes is directed and injoyned, good Security shall be taken for the parties due administration according to Law. And be it further enacted by this present Grand Assembly and the authority thereof, and it is hereby enacted, that all Justices sitting in Court whensoever Administrations are sued for and graunted and shall vpon graunting Order or Orders of administracon, neglect to make Order for Security as is aforesaid injoyned to be taken, shall thereby & for such their neglect become liable to make good such Estate wch the same shall be imbezelled or ill administrated. And it is alsoe further enacted that all Justices of the Peace stand injoyned & are hereby required before they signe Letters of administracon to demaund certificate from the Clerke that Security is given according to Law and duely entred vpon record & the Bond &c Orphans &c may be secured in their estate, and the Justices safe, in the due execution of their Offices & places.

Security to be given for administracon & when.

Justices answerable for admon graunted without takeing Security

8. An Act prohibiting the Importacon of tobacco into this Colony.

Forasmuch as the Importacon of tobacco into this Colony from Carolina & other parts without the capes hath been found very prejudiciall to this Country

and the Inhabitants thereof, for prevention of like mis-
chiefe henceforward for the future, Be it enacted by
the Governor, Councill & Burgesses of this present grand
Assembly, and the authority thereof, and it is hereby
enacted, that from and after the tenth day of October
next after this present Session, no tobacco or cask-
sick or otherwise, shall be brought from without the
Capes of Virginia into this Colony either in boat, sloop, ship
or other vessell whatsoever, to be landed on shoar, sold or
shipped off, in any ship or other vessell riding in this
Colony, except only by such persons as shall make it ap-
pear, that they are the Inhabitants of Lower Norfolke
County; and that the tobacco by them brought from the
Capes, is of the growth of the said County, upon penalty of
forfeiting all such tobacco so brought into this Colony, con-
trary to the intent & meaning of this act. One half of such
tobacco so forfeited, to be to the use of the King's Ma-
jesty, and the other half to be equally devided between
the Informer and the County: provided always, that
it shall be lawfull for any merchant or other person
Inhabiting in this Country, to goe from Carolina coun-
ty called the South, & bring hither all such tobaccos as
are already due to him before the making this law.
provided also that such merchant or other Inhabitant
of this Country, as shall pretend to have tobacco due unto
and expect hereby of importing the same into this Country,
doe within three months next after the publication of this
act repair to the Court in the County where he lives and there
make oath upon the holy Evangelists, what sums of tobacco is
due to him there, and that the same was due to him before
the publication of this act, and cause the same to be entred
upon record and further that such merchant or other person

Exportation of tob: prohibited.

under a penalty.

a proviso.

residewig in this Countrey, and hauewig Tobacco due to him in
Virginia, and claimewig the benefit of this Law, to import
the same into this Colony, shall goe immediately and before
he shall unload the same either out of boat, Coope or other
Vessell, bringwig the same into this Countrey, repaire to
the next or nearest Collector of the Impost of twoshil-
lings p hogshed, and make entry with him of all such to-
bacco as he shall bring in; and doe also make oath
upon the holy Evangelist before such Collector or other
Magistrate whom he shall appoint, that such tobacco
so brought in, is such part of what tobacco was due
to him in forreign parts, before the makewig this Act.
the totall whereof he hath already signified to the County
Court where he resides, accordwig to the injunctions of
the Law.

9. An Act forbiddwig Maryland Vessels tradewig
into this Countrey, without makewig due entry.

Whereas by Virginia Laws, which long have been & nowe are
in force in Maryland, all Ships Sloops, boats, or other Vessels
belongwig to Virginia, are enjoyned to make entry with
the respective Collector, before they can be permitted to
make delivery of any goods or take on board any tobac-
cos to export either, and consequently to pay considera-
ble Sums of money to such officers for such entry, though
the goods or concern thither carried be of very small value,
which seeming this Assembly having taken into considera-
tion, do adjudge it very unneighbourly; Be it therefore
enacted by the Governor, Councill & Burgesses of this
present grand Assembly and the authority thereof, and it
is hereby enacted, that no Ship, Sloop, boat or other Vessell
belonwig to any the Inhabitants of Maryland, or comig

all Vessells from Maryland to enter before they unload.

from thence shall from hence for the be permitted to unlade any manner of goods or merchandize of what value soever into any of the Rivers or parts of this Government, & unload the same either on board any other Vessell or on shoar without first making due entry thereof with the Collector of those precincts, under the penalty of forfeiting such ship, Boat, boat, or other Vessell, together with such goods & Merchandize as shall be so unloaded as aforesaid, the one half to the Informer & the other half to the use of the County where the seizure is made and the said Collectors are hereby earnestly desired enjoined to take particular care in this matter and this Law to stand in force untill the Marylanders shall repeal their severe Law before nominated'. ##

penalty for not entring.

# At a Generall Assembly

begun at James City the 8th day of June Anno 1680 in the two & thirtieth year of our Sovereign Lord King Charles the Second.

1. ## An Act of free and generall pardon indemnity & oblivion.

The Kings most Excellent Majesty having out of his Princely and gracious consideration the present state & condition of this Colony of Virginia, and more especially of the late Rebellion raised there by Nathaniell Bacon junr late his Complices & abettors and how many of his good Subjects were drawn into the same & seduced from their Allegiance by the seditious practices set forth by the said Nathaniell Bacon were since seduced by their own pernicious behaviours thereof & prepossessed for the same and to the intent that no crime what soever committed against his said Majesty & Government may hereafter rise in judgment or be brought in question against any of them to their great encouragement either in their

2 berrids or estates, or to the prejudice of their reputations by
any reproachfull terms of distinction, and to turne all bad
of future distast & the remembrance thereof into perfect
2 ten oblivion, as well in his Majesties owne breast, as in
the breasts of his Majesties subjects one towards another, and
out of his gracious & princely desire to pursue and to all such quar-
2 rells & controversies whatsoever, that by occasion of the said
late rebellion & late distractions have arisen & may arise be-
tween any of his Majesties subjects, And in pursuance of his
gracious proclamation of pardon, bearing date the 24th day of
October 1626. and in the twenty eight year of his reigne,
is graciously pleased that it may be enacted, and be it
enacted by the kings most excellent Majesty, by and with
the consent of the Lords & Commons assembled, that all and all
manner of treasons, murders, felonies, & misdemeanors committed, acted, & committed or done by any per-
son or persons whatsoever upon or at any time before
the sixteenth day of January 1626. in the twenty eight
year of his Majesties reigne, other then the persons hereaf-
ter excepted in such manner as they are excepted by
virtue or power of any command, power, authority, war-
rant, Commission or instructions from Sr W. Berkeley
late Governor of Virginia deceased, or of or from any person
or persons deriving or pretending to derive immediately
or immediately any Commission, power or authority
from him or and formerly in Virginia held in Anno 1626,
or of or from Nathaniell Pattin late deceased, as amongst
himselfe the authority of or reputed to be Comander in
cheife of all the forts in Virginia by land or sea, or from
any other person or persons deriving or pretending to
derive any authority from them, any or either of them,
be pardoned, released, discharged and put in utter obli-
vion, and that as firmly & fully to all intents and purposes
as if they or every of them had been herein particularly

free & generall pardon for the ensuing
in Virginia Rebellion

clarly named and exprossed. And be it further enacted by the authority aforesaid, that all & every such person & persons, their & every of their heirs, executors and administrators, except as hereafter excepted, that were actually engaged in aiding, acting, advising, assisting, abetting or Counselling the said Rebellion, shall have & injoy all & every their lands, tenements, hereditaments, goods & chattels whatsoever forfeited to his Majesty, his heires & successors for any of the crimes aforesaid in the same manner & as freely to all intents & purposes, as if they had not been forfeited, & be it that & every of them & their estates, reall & personall shall be subject & liable to pay all and singular their just debts in the same manner as if they had committed no rebellion, crimes or offences, except & always provided out of this act the above named Nathaniell Bacon junr. the principall contriver, beginner & maintainer of the said Rebellion, who having taken up arms under pretence of an Indian war, assumed unto himself the title of Generall and did afterwards chase away the then Governor there to be, & continued to destroy divers all other of his Majesties Loyall Subjects that refused to take the detestable oaths imposed by the said Bacon, until it pleased the Almighty to send him the said Bacon an infamous & exemplary death, whereby he hath escaped the punishment in this world so justly due to his person. Be it therefore enacted and it is hereby enacted by the authority aforesaid that the said Nathaniell Bacon junr shall be by virtue of this act, and he is hereby adjudged to be convicted & attainted of high treason to all intents and purposes as if he had been convicted or attainted thereof by due course of law in his life time, and that all the estate reall & personall whereof he was seized or possessed upon the fifth day of June 1676. or at any time after within the Colony of

persons excepted.

Bacon attainted of high treason.

Virginia shall be forfeited to the Kings Majesty, his heirs & Successors, and it is hereby declared to be vested in his Majesty his heirs & Successors without any office or Inquisition thereof to be hereafter taken or found. Provided always and Be it enacted that this act nor any thing therein contained shall extend to pardon, discharge or give any other benefit whatsoever unto Sylos Poland Anthony Arnold Richard Durnor Richard Pomfrey John Felde Robert Reades John Wilson and William Harbourough alias Harburgh who were all legally convicted, attainted and executed for their horrid treasons and Rebellions, or to Richard Lawrence who fled Jamaica, and is Outlawed notwithstanding his Majesties gracious proclamation, but that his persons last aforesaid & their estates are out of this act wholly excepted and foreprised. Provided also and it is hereby enacted and declared by the authority aforesaid that if Gordon Andrews Gregory Walklate Thomas Whaley Gyles Hall or John Langstone shall at any time after the passing this act Enter to exercise any office or publique employment whatsoever within the said Colony of Virginia that then such of them as do so enter to exercise as aforesaid, shall, to all intents and purposes stand as if he or they had been totally excepted by name out of this act. And whereas many of his Majesties loyall Subjects have not but by very great sufferers by the Crimes and practices committed during the late rebellion, to the intent that they may have as much reliefe therein as may possibly stand with the quiet of the Country, as also for the avoiding and determining the endless suites & prosecutions which must necessarily ensue if care be not taken to prevent the same, It is hereby further enacted by the authority aforesaid, that as to any wrong or injury which hath been committed by any

persons excepted in the pardon.

persons pardoned on condition.

person or persons at any time between the first day of May and the Sixteenth day of January 1676, whereby the goods or Commodities of any his Majesties Subjects in Virginia have been destroyed or Spoiled, or have been impaired or made worse and for which no judgment hath been actually obtained before the five & twentieth day of April 1679. in the one & thirtieth year of his Majesties Reign, no action Suit, process or Satisfaction be at any time hereafter prosecuted, made or given for the same from or against any Person or persons what soever. Provided always that where the goods of any of his Majesties Subjects not actually engaged in the said Rebellion, or being aiding or assisting to the same, have been wrongfully taken away between the said first day of May and the said Sixteenth day of January, and shall be found in the possession of any other person or persons, it shall & may be lawful for the owner or owners of such goods or Commodities, his or their Executors and administrators, to take, sue for and recover the same by all legall meanes, any thing in this act contained or any other law, act or Statute to the Contrary notwithstanding.

provision for the goods in the Rebellion.

provisso abo. for engaged in ye. rebellion

Provided always that no further or punishment, satisfaction or damages shall be recovered or inflicted on any christian servants that have deserted their masters, or been active in the late Rebellion, then that the time intervening between the said first day of May and the said Sixteenth day of January, shall be accounted no part of their time of service. And be it further enacted by the authority aforesd. that no Verdict, Judgments, Audictment, Informacon, Decrees, Contracts, Probates of Wills, administrations, writs or actings on or Returns of Writs, Orders or other proceedings whatsoever in Law or equity, had, made, given, taken or done or depending in any Court, or before any judges whatsoever within the said Colony of Virginia nor any actings, process, proceedings or executions there-

upon had, made, given, done or suffered at any time before the passing
this Laws within our said Colony, shall be avoyded for or by reason
that the premisses or any of them were pretended, prosecuted,
had, made, held or done by or before any person pretending
& assuming the name, title, authority & dignity of Govern.
of the said Colony, though he were not legally soe or before
any person or persons pretending & assuming the name,
title and authority of Councellours within the said Colony,
tho' not legally soe but that all & every such verdict, judge-
ments & other things above mentioned and the actings
doings & proceedings thereupon shall be of such and
of no other force, effect & value, then as if such person
so assuming the name, title, authority & dignity of
Governor had been legally commissioned by his Majesty thereu-
unto, and as if such person or persons pretending the name,
title and authority of Councellors there, had been legally
authorized thereunto. And whereas during the Civil warr-
-ouses of the late times, & ever since diverse persons
have been prone them to asperse the Government & defame
the Governors & chief Magistrates of the said Colony, raising
false & scandalous Reports, without which our good
Subjects there, could not have been so easily led away,
which cannot but tend to the future disturbance of
the State and welfare thereof, if not timely prevented,
by inflicting punishments proportionate to the great-
-ness of the crime. Be it therefore enacted by the Auth-
-ority aforesaid, that whosoever shall after the pass-
-ing of this act maliciously and advisedly by writing
speaking or otherwise, devise, publish, utter or de-
-clare any words, sentences or other thing or things to
incite or stirre up the people to dislike of any person
appointed by his Majesty to be Governor or Comander

No proceedings to be avoyded,

punishment for de-
famers the Gover-

punishment for defaming the Comrs &c.

in chief of the said Colony, or tending to the dishonor or defaming of the said Governor for the time being, & being thereof legally convicted, shall be imprisoned during one yeare without bayle or mainprize, & in curre such forfeitures as shall be adjudged, not exceeding the sum of five hundred pounds to the King's most excellent Majesty his heires & successors, and it is in like manner enacted that whosoever shall maliciously & advisedly by writing, speaking or otherwise express, publish, utter or declare any words, sentences or other things to incite or stirre up the people to the dislike of his Majesties Councell or Judges or other principall officers within the said Colony, or tending to the dishonor or defaming of the said Councellors, Judges or Principall officers, and being thereof legally convicted, shall be imprisoned during three months without bayle or mainprize and incurre such forfeiture as shall be adjudged, not exceeding the sum of one hundred pounds to the King's most excellent Majesty, his heires & successors any act or acts, Order or Orders to the contrary ~~in any wise~~ notwithstanding.

## 2. An Act for Naturalization.

Whereas nothing can contribute more to the speedy settling and peopling of this his Majesties Colony of Virginia, than that all possible encouragement should be given to persons of different nations to transport themselves hither with their families & estates for to settle, plant or reside by & within the same with all the rights and priviledges of any his Majesties Naturall & free born Subjects within the said Colony, Be it therefore enacted by the King's most excellent Majesty by & with the consent of the Generall assembly and it is hereby enacted by the authority aforesd. that it shall & may be lawfull for the Governor or Comrs in chiefe of this Colony for the time being, or any of his successors

Govr nors of this Colony by a Publique Instrument under the
broad Seale thereof, to declare any Alien or Aliens, forreigner or
forreigners being already setled or Inhabitants of this his Maj.ties
Coloy or such as shall hereafter come for to Settle, Plant or reside
in it, and having taken the Oath of Allegiance before the Gov-
nor or Comd.r in Chief for the time being, to be to all intents
and purposes fully and compleatly naturalized; and the said
persons so approved of and named in the said Letters Patents as
aforesaid shall by virtue of this Act have & injoy to them
& their heires the same Immunities and Rights & be unto
the Lawes and privileges of this Colony, and as fully and
amply as any of his Majesties naturall borne Subjects
have or injoy within the same as if they themselves had been
born within any of his Majesties Realms or Dominions;
Any former Law, Act, Ordinance, Usage or Custome
to the contrary notwithstanding. And to the
intent the said Letters Patent and Instrument under
the broad Seale of this Colony as aforesaid, may be obtained
without any great difficulty or charge, Be it further
enacted, that the Governor or Commander in chief
shall have & receive for the same forty shillings, and his
Clerke for writing of it ten shillings, and no more;
And whereas severall Aliens and forreigners that have
formerly transported themselves to this his Maj.ties Colony
and have taken up and patented in their own name Sever-
all parcells of Land or otherwise made purchase of lands
houses, tenements or other reall Interest, and have af-
terwards sold the same to some of his Majesties native people
or Inhabitants of this Colony; Be it hereby enac-
cted and Ordained by the authority aforesaid, that all
such person or persons that shall have so bought of any
Alien or Aliens any Lands, houses or tenements so secured
and by vertue of this present Act for ever confirmed in the
quiet & peaceable possession of the said Purchasers and

the Govr may Naturalize forreigners that setl here.

in what manner.

priviledg of naturalized persons.

Govr for a naturalization. Clerke.

Lr.ma 133

persons secured in purchase made of Aliens.

and their heires for ever, Any former Law, Vsage or Custome to the contrary in any wise notwithstanding. Provided that nothing in this Act contained, shall be construed to enable or give power or priviledg to any forreigner to do or execute any matter or thing, which by any of the Acts made in England, concerning his Majesties Plantations he is disabled to doe or execute.

provisō.

## 3. An Act for Raising a Publique Revenue for the better Support of the Government, of this his Majesties Colony of Virginia.

Whereas there is a great & continuall Charge required for the maintenance of the Governor & Generall, other officers and servants, as also for the fortifications, besides many other contingent expences absolutely necessary for the Support of the Government of this Colony; Be it therefore enacted, and it is hereby enacted by the King's most excellent Majesty, by & with the consent of the Gover and Assembly, that for every hogshead of tobacco, that shall at any time hereafter be exported out of this Colony by land or water to any other place whatsoever, there shall be payd by the exporter two shillings of Current money of England, as also for every five hundred pound of tobacco exported in bulk or otherwise, and so proportionably for a greater or lesser quantity, the same to be to the King's most Excellent Majesty, his heires & successors for ever, to & for the better Support of the Government of this his Majesties Colony of Virginia, in such manner as is here in before expressed and to & for no other use intent or purpose whatsoever. And be it further enacted by the authority aforesaid, that all Ships or Vessells whatsoever coming to this Colony or any part thereof shall respectively pay for every Gun, such Ship or Vessell shall contain, two halfe pound of good & new gun powder, and three pounds of leaden shot, or one shilling three pounds shot in lieu thereof, as also six pound per poll for every per-

two shill. on every hh: tob. exported.

and for every 500 lb. weight

Vessels to pay ½ of powder & ⅓ shot the rest money or 15 d. in lieu thereof

for misorted not being actually a mariner in pay
the same to be also to the Kings most Excellent Majesty
his heirs & Successors for ever for the better support of
the Government of this his Majesties Colony of Virginia in
such manner as is herein before expressed and to & for no
other use, intent or purpose whatsoever. And for the bet-
ter discovery & preventing of frauds, be it further en-
acted by the authority aforesaid that the master of every
ship or vessell shall deliver his Boatswains book to the
perusall of the respective Collectors and make oath of
the truth thereof to the best of his knowledge and that
the mate, boatswain, or any other officer
or other person be also
sworn if there be cause for the discovery of the truth
of the freight, and if any master shall wittingly or
willingly conceal any part of his freight, or make
false entry of the burthen of his ship or vessell, or num-
ber of persons imported as aforesaid, that then the said
master shall forfeit for every such offence the sum
of five hundred pounds sterling, as also the treble duties for
every hogshead or five hundred pounds of tobacco and
for every head counted; the moiety to the informer
and the other moiety to the Kings most excellent
Majesty, his heirs & Successors, to & for the uses above
mentioned, and to be recovered by action of debt, bill or
plaint by virtue of this Act against which no Essoyne
wager of Law or protection to be allowed to any person
so offending. And it is hereby further enacted by the au-
thority aforesaid that the respective master of every
ship & vessell shall enter into a bond of twenty pounds
sterling to the Kings most excellent Majesty, his heirs &
Successors, for the payment of the duties of so many hogs-
heads or five hundred pounds of tobacco as shall upon
due certificate appeal to be entred in the Custome house

for every person misorted not being a mariner in pay.

the manner of clearing

the penalty of doing it & omitting false entry.

bond to be given at clearing.

in England, more than shall be entred & paid to the respective Collectors & other Officers in Virginia, unless the said Collectors & Officers be fully satisfied of the true number of hogsheads & freight of the said Ships & Vessells; the said bond to be made without any fee, and to be void to all intents as if never made, if not put in suit upon due certificate to be procured by the respective Collector from the Custom house in England, within one year from the making thereof, which said Collectors & other Officers are here by required to use their utmost diligence in the due execution of this act, and shall be allowed their usuall Salaries or Sallaries as by the Governor or Comd. in chief for the time being with the advice of the Councill shall be adjudged necessary for Collecting the said Imposition; which said Governor or Comd. in chief for the time being, is also hereby further authorized & impowered from time to time with the advice of the Councill as is before specified, to

Officers to masters not to exceed ten p cent

give such reasonable allowance and encouragement as shall be adjudged fitting, not exceeding ten per centum to such masters of ships or other persons, as shall give in true accounts, and advance & pay down the aforesaid duties either in money or good & sufficient bills of Exchange, to the satisfaction of the respective Collectors, Provided always and it is hereby enacted and declared by the authority aforesd. that the Act of Assembly in the printed book entituled Imposition of two shillings p hogshd. made at a grand assembly held at James City the 23 of March 1661. also one other Act intituled, An Act for the Imposition of two shillings p hogshd, made at James City the 2d. of December 1662, also one other Act in the Printed book, entituled, Casks duties to be paid, made at a grand assembly holden at James City the 23. of March 1661: and all other former acts for the raising or levying of two shillings p hogshd. impost upon tobacco exported out of this his Majestys Colony of Virginia, or for raising or levying casks

Severall Acts repeale d

duties, tunnage, or head money be are hereby by Virtue of this act fully repealed & made void to all intents & purpos-
-es, any thing in this Act or any other Law, Statute, Cus-
-tome usage, or instructions whatsoever to the contrary
notwithstanding. Provided also and it is hereby enacted
and declared by the authority aforesaid, that the priviledg
of Virginia owners of ships expressed to be given in the
13th. art in the Printed book intituled Priviledges of
Virginia Owners, made at James City the 23 of March
1661. and the Act made at James City the 20 of October
1669. intituled, An Act for freeing Virginia Owners from
taxes & duties, shall be & are hereby by meant intended
to be in full force power & Virtue, to the benefit, use
priviledge of all & every such Owner or Owners, any
thing in this Act or any other Law, Statute, Cus-
-tome, usage or Instructions whatsoever, to the con-
-trary notwithstanding. #

a proviso about Virginia Owners priviledge.

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7. An Act ascertaining the time when Negro Children shall be liable to taxes

Whereas it is doubted by hard & doubtful whether that Children as well Christian as Slaves imported into this Colony, should be liable to taxes before they are capable of working, Be it enacted by the King's most excellent Majesty, by & with the consent of the Generall Assembly, and it is hereby Enacted by the authority aforesaid, that all Negro Children imported or to be imported into this Colony, shall within three months after the publication of this Law or after their arrivall be brought to the County Court where their age shall be adjudged of by the judges holding Court and put upon the record, which said Negro or other Slaves brought to Court adjudged and recorded, shall not be accounted tithable untill he attained the age of

Negro Children imported not, by that time 16 years of age.

yeards, any former Law, vsage or custom to the contrary notwithstanding. And be it further enacted by the authority aforesaid, and it is hereby enacted that no Christian Servants wiyr or sold into this Country shall be liftable, before they attain to the age of fourteen yeards, any former Law, vsage or custom to the contrary notwithstanding. //

and Christian Servts. not liftable at 14. years of age.

9. An Act ascertaining allowances for Casks.

Be it enacted by the Kings most excellent Majesty by & with the consent of the Gouer all assembly, and it is hereby enacted that from & after the publication of this Law, the allowance for Cask for Publique County & parish leuies, and for Tobacco & Shorts sold, be eight per cent. and no more, and that all Shorts or other Collectors of the same shall allow the same or other eight per cent for the Casks as aforesaid upon penalty of paying for refusing so to do one hundred pounds of tobacco to the party grieved, and to prove the shall demy such allowance, and due proof made thereof, to be recovered by action of debt in any Court of Record or before one Iustice of the peace if the same exceeds not two hundred pounds of tobacco.

allowance for Cask of publique leu.

penalty for not allowing it.

10. An act for preventing Negroes insurrections.

Whereas the frequent meetings of considerable numbers of Negroes Slaves, under pretence of feasts and burials is judged and doubted of dangerous consequence for the prevention where of for the future, Be it enacted by the Kings most excellent Majesty, by & with the consent of the Gouer all Assembly, and it is enacted by the authority aforesaid, that from and after the publication of this law it shall not be lawfull for any negro or other Slave to carry or arm himselfe with any club, Staffe, gun, sword

or any other weapon offensive or offoute, nor to go or de-
part from off his masters ground, without a Certificate
from his master, Mistris or Overseer, and such permission
not to be granted but upon particular & necessary occasi-
ons; and every Negro or Slave so offending, not having
Certificate as aforesaid, shall be sent to the next Consta-
ble who is hereby injoined & required to give the said Ne-
gro twenty lashes on the bare back well laid on, and so
from house to his said Master, Mistris or Overseer. And
it is further enacted by the authority aforesaid, that if
any Negro or other Slave shall presume to lift up his hand
in Opposition against any Christian, shall for every such
offoute upon due proof made thereof by the oath of the par-
ty before a Magistrate, have & receive thirty lashes on his
bare back well laid on. And it is hereby further enacted by the
authority aforesaid, that if any Negro or other Slave
shall absent himself from his Masters service, and lye
hid and lurking in obscure places committing injuries
to the Inhabitants, and shall resist any person that
shall by any Lawful authority be imployed to apprehend
and take the said Negroe, that then in case of such resis-
tance, it shall be lawfull for such person or persons to
kill the said Negro or Slave so lying out & resisting. And
that this Law be cried every six Months in the
respective County Courts & parish Churches within this
Colony. &c.

Negroes not to go armed

nor without a certificate from their masters &c.

punishment of the Negro for doing it.

Resistance of Negroes punished. & how.

Lawfull to kill Negroes resisting &c.

this Law to be cried out & in six

11. An Act for prosentation & delivery of grievances.
for asmuch as it hath been too frequently the practice of ill
disposed & seditious persons to deliver their suggestions and
they to the assembly scandalous and seditious papers and
to endeavor & call them the grievances of the Inhabi-

of Such County or Counties wherein they dwell, neither giving or presenting the same in lawfull manner, nor in truth being known to any other his Majestys good Subjects of Such County whose title they bear; Be it enacted by the Kings most excellent Majesty by & with the consent of this Generall Assembly. and it is hereby enacted by the authority aforesaid, That the Sheriff of each County shall before every Session of Assembly appoint a time & place for presenting, giving and receiving all County Grievances, which shall be Signed by the party giving the same & attested by the Clerk of the County Court or chiefe Magistrate so to be, and all other private propositions or particular aggrevances, shall be Signed by the party delivering the same, or not to be received into the Assembly. #

Manner of taking Grievances.

13. An Act prohibiting unlawfull disturbances of Divine Service.

Be it enacted by the Kings most excellent Majesty, by & with the consent of the Generall Assembly, and it is hereby enacted by the authority aforesaid, that whosoever from & after the Publication of this Act, shall appear in any Church or Chappell within this his Majestys Colony, whilst the Minister is exercising his Ministeriall function, and shall disturb him by words or any other manner of meanes whatsoever, or shall there appear in any unseemly or indecent gesture, any Justice, Sheriff or other officer then present shall put Such person or persons so offending under restraint during Divine Service, who shall also for the first offence be fined two hundred lbs of tobacco & Casko, and for every Such offence as shall be by them or any of them committed after in the like quality, shall be fined five hundred pounds of like tobacco & Casko, for every

Any person that shall disturb the Minister fined.

1st offence 200 lbs.

every offence after 500 lbs.

such offoute; which fines shall be leuied by the Sherriffe manner of leuying the fines.
2 on the estate of the person or persons so offending by vertue
of a warrant from a justice of the peace for the use of the parish
of the Peate; And such Justice
of the Peate that shall refuse or neglect to put this law Justice, that neglect to put this law in Execution fined. 500 lb tobo.
into doore execution, shall be fined five hundred pds of
tobacco & casko, to the use of the parish for every such
neglect.

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14. An Act Reviveing and reinforceing An Act made at James City the 20th of October 1665. and putting the same in due execution.

Be it enacted by the Kings most excellent Majesty, by & with the consent of the Generall Assembly, and it is hereby enacted by the authority aforesaid that the 8. act of assembly made at James City the 20th of October 1665. Intituled, An Act concerning Indians, be & is hereby revived and reinforced, to the end the same be put in due & effectuall execution.

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15. An Act for the more clearing the heads of the Rivers and Creeks from logs and trees for the more safe passage of Sloops and boats.

Whereas the neglect of clearing the heads & other parts of Rivers & Creeks, from logs, trees, roots of trees & other rubbish, hath occasioned and endangered the loss of diverse Sloopes, boates tobacco, and more hindering goods in carriage thereof to & from the Ships; for the better prevention thereof for the future, Be it enacted by the Kings most Excellent Majesty, by & with the consent of the Generall Assembly, and it is hereby enacted by the authority aforesaid, that from & after the publication of this Law, the respective Justices of the Co-

Justices to appoint Surveyors to clear the Rivers & when

vor all County Courts do annually in June or July Courts, appoint and order the Surveyors of the Rivers to clear all, and all manner of logs, trees, roots of trees, and other rubbish, as may any ways hurt & endanger any Sloop boate other vessell from out of the respective Rivers or Creeks heads or parts of any River or Rivers, Creek or Creeks, within their County, and limited bounds as Surveyors; which said Clearing and removeall of all loggs, trees roots of trees, and other Rubbish shall be as aforesd. annually, performed, according to the true intent & meaning of this act, under such paines and penalties for every delinquent & offender, as are set down in the 4th act of Assembly, in the printed books entituled Surveyors for Highways: and if any shall presume to fell trees into the Rivers or Creeks, & not clear the same, the offender shall be fined five hund. pounds of tobacco for the first offence, to the use of the County, and for the second one thousand pounds of tobacco to the use aforesaid. ##

Ordered by the justices to be done & by the Surveyor thereto appointed effectually

penalty for ye justices & Surveyor not doing their duety.

Such as fell trees into Rivers & clears not the same an penalty

# At a Generall assembly

begun at James City November the 10th 1682. in the 34th year of the Reign of our Soveraign Lord Charles the 2d.

1. An Act to repeal a former Law making Indians & others free.

Whereas by the twelfth Act of Assembly held at James City the 3d day of October Anno Domini one thousand six hundred & Seventy, entituled, An act declaring who shall be slaves, It is enacted, that all servants not being Christians imported into this Country by shipping, shall be slaves, but what shall come by land shall serve if boyes & girles untill thirty years of age, if men or women twelve years & one

longer and forasmuch as many Negroes, Moores & Molattoes & others born of & in heathenish Idolatrous Pagan & Mahumetan parentage & Country, have heretofore & hereafter may be purchased, procured or otherwise obtained as Slaves of from or out of such their heathenish Country by some wicked disposed Christian who after such their obtaining & purchasing such Negro, Moor or Molatto as their Slave out of a pious Zeale have wrought the conversion of such Slave to the Christian faith (which by the Lawes of this Country doth not manumit them or make them free) and afterwards such their Conversion is, shall & may after happen, that such Owner or master of such Slave being for some reason in forced to bring or send such Slave into this Country to be or dispose of, for his necessity or advantage he the said master or Owner of such Servant w.ch notwithstanding his Conversion is & ought his Slave & his Servitor or Agent, must be constrained either to carry back or export again the said Slave to some other place where they may sell him for a Slave, or else depart from their just right & title to such Slave and sell him here for no longer time, then the English or other Christians are to serve, to the great loss & damage of such master or Owner, & to the great discouragement of bringing in such Slaves for the future, & to no advantage at all to the planter or buyer, And whereas those Indians that are taken in war or otherwise by our neighbouring Indians Confederates or Tributaries to his Majesty & this his Plantation of Virginia, are Slaves to them the said neighbouring Indians, that so take them & by them are likewise sold to his Majesty subjects here as Slaves, Be it therefore enacted by the Governor Council & Burgesses of this Generall Assembly, and it is enacted by the authority thereof, that all the said recited act of the 3.d of Octo

-ber 1670. be and is hereby repealed & made vtterly void to all intents and purposes whatsoever. And be it further enacted by the authority aforesaid that all servants except Negroes and Moores, whilst in amity with his Majesty, which from & after publication of this Act shall be brought or imported into this Country either by Sea or Land, whether Negroes, Moores, Mulattoes or Indians, who & whose parents or Native Country were not Christians at the time of the first purchase of such servant by some Christian, although afterwards and before such their importacon & bringing into this Country, they shall be converted to the Christian faith. And all Indians which shall hereafter be sold by our neighbouring Indians or any other trafficquing with us, as & for Slaves are hereby adjudged deemed & taken, & shall be adjudged, deemed & taken to be Slaves, to all intents and purposes. Any Law, Usage or Custom to the contrary notwithstanding.

What Indians &c shall be Slaves, when imported.

## 2. An Act declaring Indian women servants dishables.

Whereas it hath been doubted whether Indian women servants sold to the English, above the age of sixteen yeares, be tythable, Be it enacted and Declared and it is hereby enacted & Declared by the Governor Council and Burgesses of this present Assembly & the authority thereof. That all Indian women are & shall be tythable, and ought to pay levie in like manner as Negro women brought into this Country do & ought to pay.

Indian women servants tythable.

## 3. An Additionall Act for the better preventing insurrections by Negroes.

Whereas a certain Act of Assembly held at James City

the 8th day of June in the year of our Lord 1680. intituled An Act preventing Negroes insurrections hath not had its intended effect for want of due notice thereof being taken, Bee it enacted by the Governor Councill & Burgesses of this present Generall Assembly and by the authority thereof, that for the better putting the said Act in due execution the Churchwardens of each parish in this Dominion at the charge of the parish by the first day of January next provide true copies of this present & the aforesaid Act and make or cause entry thereof to be made in the Register books of the said parish. And that the Minister or Reader of each parish shall twice every year, viz. some one Sunday or Lords day in each of the months of September & March, in each parish Church or Chappell of Ease in each parish, in time of Divine Service after the reading of the second Lesson, read & publish both this present & the aforerecited Act under paine such Churchwarden Minister or Reader making default to forfeit each of them six hundred pounds of tobacco, one half to the Informer & the other half to the use of the poor of the said parish. [And for the further better preventing of future insurrections by Negroes or Slaves, Be it likewise enacted and it is hereby enacted by the authority aforesaid, that no master or overseer shall at any time after the 20th day of January next, knowingly permitt or suffer without the leave or licence of his or their master or overseer any Negro or Slave not properly belonging to him or them to remain or be upon his or their plantation, above the space of four houres at any one time, contrary to the intent of the aforerecited Act upon paine to forfeit being thereof lawfully convicted before some one Justice of the Peace within the County where the fact shall be committed, by the oath of two witnesses at the least, the

this a former act to be published twice a year in y^e Church.

penalty for not doing it.

Nimo 141.

Master or Overseer shall permit a Slave not belonging to him to continue his plantation & house with y^e s^d Slave, w^th leave.

penalty for doing it.

sum of two hundred pounds of tobacco in Cask for each time so offending, to him or them that will sue for the same, for which the said Justice is hereby impowered to award judgment & execution. #

5. An Act directing how Comissions of Dedimus Potestatem, and other writs shall issue.

Whereas the present course of signing Comissions of Dedimus Potestatem, Writs of Execution & Attachment by the Governr in causes depending in the generall Court, is found by experience to be very burthensome & grievous to Suitors, the Burgesses now assembled doe pray, that it may be enacted and be it enacted by the Governor Councill & Burgesses of this present generall Assembly & by the authority thereof that all writs or Comissions to examine witnesses called Dedimus Potestatem at the request of either of the parties plaintiff or defendt. in any cause now depending, or which shall or may hereafter depend in the generall Court, shall & may be issued & signed by any one of the hono. Councill without further & other attending to such rules & directions as are by law already prescribed & laid down, & that all writs of Execution & writs of Attachment awarded by any Order or judgmt. of the said Court, shall & may be issued forth of the Secretaries Office by the Clerks there attending, and for that purpose authorised by the Secretary and by him signed without putting the parties to the trouble of attending or sending to the Governor for his signe as hath been formerly used, and all such writs to be returnable to the Secretaries Office Any former law, custome or usage to the Contrary notwithstanding. #

Dedimus Potestatem may be signed by one of the Councill.

Writ of Exo. and Attachmt. how to issue.

8. An Act imposing further penalties upon any person or persons that shall publish or declare that the Assembly of Virginia are not of force.

This Assembly taking into their serious consideracion that divers

ill disposed persons wickedly intending to invalid the Lawes of this Country & bring them into contempt & disrepute have moved and stirred certain doubts whether there be any Lawes in force & efficacy so as to be binding to his Maj.ties Subjects being in this his Majesties Dominion of Virginia, for preventing & suppressing & be it enacted by the Governor, Councill & Burgesses of this Generall Assembly, and it is hereby enacted and declared that if any person or persons shall at any time or times after the publishing of this present Act, maliciously & advisedly utter, publish & declare by word or writing, that the Acts of Assembly of Virginia not repealed expired, vacated or annulled by the Kings most Excellent Majesty, are not of force or binding within this said Majesties Dominion to all his Majesties Subjects thereby or being therein, such person or persons so offending shall be adjudged, deemed & taken to be factious & seditious and contemners of the Lawes, and being thereof lawfully convicted, shall for the 1st offence be fined one thousand pounds of tobacco and suffer one months imprisonment without bail or mainprize and for the second offence two thousand pounds of tobacco & two months imprisonment & for every such offence after, double the penalties & forfeitures aforesaid, one half of which forfeitures to the Kings Majesty his heires & Successors, and the other half to the informer, to be recovered by Action of Debt in any of his Majesties Courts in this his Majesties Colony which said penalties are to be added & imposed over & besides all other punishments that may be legally inflicted on such offenders. #

persons that speake against the Lawes of Virginia void.

for the first offence 1000 lbs.

2d. offence 2000 lbs. &c.

& for every offence after double penalties.

10: **An Act** that Witnesses be free from arrest.

For as much as many persons summoned or subpenaed as witnesses in causes depending in the Courts of this Country, many times fayle in appearing, for fear of being arrested when they appear at Court as witnesses, whereby many times many Inhabitants of this Country loose their right & justice,

Be it enacted by the Governor, Councill & Burgesses of the

Assembly, and be it enacted by the authority aforesaid that from
henceforth all persons Subpœnaed as evidence or Witnesses in any cause
or matter depending in any Court in Virginia, shall be free
from arrests for any debt or trespass, except at the Kings suit
during their attendance at Court & their direct coming to
Court & returning home. #

Witness free from arrest.

# Att a Generall Assembly

begun at James City the 16th day of Aprill in the Six and
thirtieth yeare of the Reign of our Soveraign Lord Charles
the second, by the grace of God, of England, Scotland, ffrance
and Ireland King, Defender of the ffaith &c. and in the
yeare of our Lord God 1684.

1. **An Act** for altering the time of holding Generall Courts.

ffor asmuch as by experience it is found very grievous & burthen-
some to the Inhabitants of this Country, that the two Generall
Courts held for this Country in the monthes of September & Nor-
vember, are the one too early before Tobacco come in &
growne and their arrivall into this Country, and the other Court
held in the depth of Winter, & so immediately following the
other, as the Suitors can scarce get home before they are
exposed to the danger & charge of returning again, to their
great hazard & detriment which might be prevented if the
Generall Courts were appointed to be held, but twice in
one yeare, viz. the first Generall Court according to an
Act made the 5th day of June 1666, to begin the fifteenth
day of Aprill and to hold eighteen dayes, and the second Gene-
rall Court to begin the fifteenth day of October, & to continue
eighteen dayes & no longer; Be it therefore Enacted by the
Governor, Councill & Burgesses of this present Assembly
and by the authority thereof, and it is hereby Enacted and
declared, That the first Generall Court in each year, begin upon
the fifteenth day of Aprill if the same happen not upon a
Sunday, and be held and continued eighteen dayes not accounting
Sundayes in the number and the other Generall Court to begin
upon the fifteenth day of October if the same happen not
to be on a Sunday, & then on the day following, and to be held &
continued eighteen dayes, not including Sundayes in the said number

Generall Court to begin 15. of Aprill & hold 18 day

and

October 15. & hold 18 dayes.

and no longer, and that all & every ~~the~~ Act & acts constituting the Generall Courts at any other time or times as are from hence forth repealed & made voyd to all intents and purposes, any law, custome or usage to the contrary thereof in any wise notwithstanding.

2. An Act for the better preservation of the Peace of Virginia & preventing unlawfull & treasonable Associations.

Whereas many evill disposed persons, Inhabitants of this his Majesties Colony & Dominion of Virginia, contrary to their duty & allegiance, on or about the first day of May in the fourth year of his Majesties Reign & divers other days & times tumultuously & mutinously assembled & gathered together to cutt up & destroy all tobacco plants, and to perpetrate the same in a traiterous & rebellious manner, with force & armes entred the plantations of many of his Majesties good subjects of this ~~the~~ Colony, resolving by open force a generall & totall destruction of all tobacco plants within this his Majesties Dominion, to the hazarding the subversion of the whole Government & ruine and destruction of his Majesties good subjects, if by Gods assistance & the prudent care and comduct of the then Lieutenant Governour & Councill, the Mutinous had not been timely prevented, for which treasons and rebellions against his Majesty & this ~~his~~ Government some notorious actors have been indicted convicted and some of them executed and suffered suteable & punishments, as for their treasonable rebellions they justly deserved. Now to the end & purpose that none of his Majesties subjects may be at any time hereafter seduced by the specious pretences of any persons that shall tumultuous & mutinous assemble to cutt up & destroy tobacco plants or any other the crops or labours of the Inhabitants of the said Colony, and but pitty and trespasse; And to the end his Majs subjects of this his Dominion may be better secured in their estates & possessions, the Burgesses of this present Generall Assembly pray that it may be enacted and be it enacted by the Governor, Councill & Burgesses of this Assembly, that if any person or persons whatsoever to the number of eight or above, being assembled together, shall at any time after the

persons to the number of 8 being assembled to destroy tob.o plants &c required to disperse &c

shall be adjudged Traitors & suffer accordingly.

first day of June, now next insuing, intend, goe about, practise or put in use with force, unlawfully to cut, pull up or destroy any tobacco plants either in beds or hills growing within the said Colony or to destroy the same either curing or cured either before the same is in hogsheads or afterwards, or to pull down burn or destroy the houses or other places where any such tobacco shall be, or to pull down the fforts or any inclosures of any tobacco-plants with intent to cut up & destroy the same and such person or persons being commanded or required in his Majesties name by the Governor or other Commander in chiefe or any one of the Councill or one or more of the Justices of the Peace of the said Colony, to command & require such persons to disperse themselves and peaceably to depart to their habitations, shall continue together by the space of four houres after such proclamation made at or nigh the place where such persons shall be so assembled, that then & there such person so wilfully assembled in forcible manner to doe any of the acts aforementioned & continuing together as aforesaid and being thereof lawfully convicted shall be deemed declared and adjudged to be Traytors & shall suffer paines of death, as also losse & forfeit as in cases of High treason provided always that no person or persons whatsoever shall incurre the paines & penalties hereby inflicted, unless he or they be prosecuted & indicted thereupon within twelve moneths after the offence committed, any thing herein contained to the Contrary notwithstanding.

A proviso, limiting the prosecution to be within a yeare.

A. An act for the better Supply of the Country with armes & ammunition.

For the encouragement of the Inhabitants of this his Majesties Colony and Dominion of Virginia to provide themselves with armes & Ammunition for the defence of this his Majesties Country, and that they may appear well & compleatly furnished when commanded to muster & other the King's Service, which many persons have hitherto delayed to doe for that their armes have been imprest & taken from them by Warrant granted by the Governor Councill & Burgesses of this present Generall Assembly & the authority thereof, and

it is hereby enacted that all such Swords, Musquets, Pistolls, Carbines,
guns & other armes & furniture as the Inhabitants of this Country
are already provided or shall provide and furnish themselves with Soldiers armes
for their necessary use & service, shall from hence forth be free & exempt from imprest.
-ted from being impressed or taken from him or them that already
are provided or shall so provide or furnish himselfe, neither
shall the same be liable to be taken by any distres, seizure, at- and from seizure
-tachment or Execution, Any Law, Usage or Custome to the con-
-trary ~~thereof~~ notwithstanding. And be it further enacted that
betweene this and the first tuesday of March next shall be
in the yeare of our Lord one thousand six hundred eighty six. Every how a trooper
Trooper of the respective Counties of this Country shall furnish and
supply himselfe with a good able horse, Saddle & all armes & fur- and
-niture fit and compleat for a trooper. And that every foot how a foot Soldier
Soldier shall furnish & supply himselfe with a Sword, musket & is to be furnished
and other furniture fit for a Soldier. And that each troo-
-per & foot Soldier be provided with two pounds of powder
& eight pounds of shott, and shall continually keep their armes
well fixt, clean & fit for the Kings Service. And be it further
enacted that every trooper failing to supply himselfe within the
time aforesaid with such armes & furniture, and not afterwards under the penalty
observing the same well fixt, shall forfeit four hundred pounds of to- of 400 lbs. to
-bacco to his Majesty for the use of the County, in which Court the Informer
shall live, towards the providing of Colours, Drums & trumpets
thereof, and that every foot Soldier so failing to provide himselfe
within the time aforesaid and not keeping the same well & fixt
shall forfeit two hundred pounds of tobacco to his Majesty for and
the use aforesaid. And that all the Militia officers of this Country 200 lb of tob. to
take care to see the Execution & due observation of this Act in their foot Soldier
Severall and respective Regiments, troops and Companies. And
be it further enacted by the authority aforesaid that every Colonel
of a Regiment within this Country shall once every year upon the
first Thursday in October yearly, cause a generall Muster & review to be agenerall Musters
of the Regiment under his command, or oftner if occasion shall require, once a year at least
and that every Captain or Commander of any troop of horse & foot Company
within this Country shall once at the least in every three months

private exercise every three months.

musters, traine & exercise the troop or company under his Comand, to the end they may be the better fitted & enabled for his Majesties & the Countries service, when they shall be commanded thereunto.

5. An Act Repealing the forty second and forty third acts of printed Lawes and for building prisons in each County & for ascertaining Rules to each prison.

Be it enacted by the Governor, Councill & Burgesses of this present Generall Assembly and by the authority of the same, that the 42d. act of the printed Lawes Intituled Prisons to be built in each County and the 43d. act of the said printed Lawes, Intituled Jaylers rates in the Rules of any prison not to have the same effect & shall be repealed, and the same and every clause and article therein and in each of them contained, is & are hereby repealed & made void to all intents & purposes whatsoever and be it further enacted that a good, strong & substantiall prison after the forme of Virginia housing, be built & continued in each County sometime before the first of January next by the Justices of the Peace in their respective, & at the charge of each County under penalty of forty pounds five thousand pounds of tobacco, & being answerable for any escapes which shall be made for want of such sufficient prison. And be it further enacted, that the Justices of the Peace in each County & are hereby impowered whenever before the said first day of January to appoint, set & lay out a certain space, distance or parcell of land adjoining or circumjacent to each prison not exceeding eight pole square, to be a place of liberty & privilege for each prisoner not committed for treason or felony, giving bond with good security to the Sheriff of the County for his true imprisonment, to walke & abide in for their health & refreshment, within which compass so long as such prisoner not committed for treason or felony shall remain and continue, he shall not be adjudged to have made an escape. Any Law, usage or Custom to the contrary thereof notwithstanding. And for the better notifying & making known the bounds of the Rules & places of liberty or privilege to each prison belonging, be it further enacted that the Justices of

prison to be built and by whom.

penalty.

Rules to be laydout for the prison & how large.

each County, doe sometime before the first of January next ensueing
goe round the bounds of such Rules & places of Liberty & privileges, & by some mo ould marked out, notify and describe the said bounds, & the same bounds so notified and described to enter in & recorded. the bounds of the prison Rules to be recorded.
to & amongst the Records of the County Court. provided always
Nevertheless, that all Counties where such prisons are already
built & standing shall be excused from building others, Anything
herein contained to the contrary notwithstanding. #

## At a Generall Assembly.

begun at James City the first day of October 1685. and in the
first year of the Reign of our Soveraign Lord King
James the 2d. of England Scotland ffraunce and Ireland
Defender of the faith &c. and thence prorogued by Severall
prorogations to the 20th day of October 1686.

### 1. An additionall Act about Runaways.

Be it enacted by the Governor Councill & Burgesses of this Gen.
Assembly & the authority thereof, and it is hereby enacted
that the first act of assembly made at James City the 3d.
of October 1680, entituled, An Act concerning Runaways,
be continued and confirmed with the following alterations
and amendments. that every Certificate for taking upp any
one or more Servant or Servants Runaway from his or her
master or mistris, before the same be admitted into the Assembly for allowance, shall make mention of the master
or mistris, their proper name & Surname, the County
where they dwell, time of taking up the said Servant, &
distance of place where taken up from the dwelling plantation of such Servants master or mistris, together
with the proper name & Surname of such Servant, and
at the same sessions of assembly when such Certificate shall
be allowed, the like sum be allowed upon the master or mistris
of such Runaway Servant or Servants, for which he or the

certificate for taking up Runaways how to be made.

shall be reimbursed by the Service of Such Soldiers Arrears according as by the aforesaid act is provided. for reimbursem. of the Publique. and that all Such Certificates come proved from the County Courts, as all other Claimes are injoyned to be brought to the Assembly for allowance.

2. An Act declaring Maryland and North Carolina Debts pleadable.

Be it enacted by the Governor, Councill & Burgesses of this Generall Assembly and the authority thereof, and it is hereby enacted, That all debts contracted or to be contracted in Maryland or North Carolina, are & shall be recoverable in Virginia in Equall manner & by the same Lawfull wayes and methods as though the same were or had been contracted in Virginia, Any Law Statute or Usage heretofore to the Contrary notwithstanding. //

Expired. 6. An Act Regulating the taking up & to cause Hogsheads

Whereas great abuses fraud & deceit are daily practised by covetous persons for their own singular lucre & gain in the measureable weights of tobacco hogsheads commonly cast away at a much lighter & more modest rate than the ready weigh Be it enacted by the Governor Councill & Burgesses of this Grand Assembly and the authority thereof and it is hereby enacted That for the prevention of the like unjust practices in time to come. no Planter or Planters or other person whatsoever being & residing in this Country from & after the fourth day of September next Shall pack pay away or put to Sale any tobacco or tobaccos whatsoever in any sort of Caske whatsoever, but what shall be marked or branded according as hereafter shall be expressed, by such Cooper or Coopers, artificer or artificers as shall set up and make the same. And Be it also enacted by the authority aforesaid and it is hereby enacted, that all & every Cooper

no tobacco to be packed paid away or sold but in branded Caske.

or Coopers or other persons whatsoever, that will either by himself or his own Servants to his use, exercise and practise the making & setting up of all or any sort of tobacco Casks from & after the said tenth day of September next, shall & do procure & provide certain marks or brands for his or their proper or particular use, that is to say, the first letter of his or their proper name and surname and figures sufficient to mark or brand the weight of every respective tobacco Casks made & set up to be provided by him & every such Cooper or Coopers, planters or others, that will either by themselves or their own Servants make & set up such casks as aforesaid, and with the said marks or brands as is aforesaid upon the head & bulge of every tobacco cask put the two first letters & their proper name & surname, together with the exact & just weight or tare of every such tobacco Casks, as either they or any of them shall afterwards undertake to buy, to the intent the true weight of every tobacco Casks may be known And that every such Cooper planter or other persons as is aforesaid that after the said tenth day of September next, shall either voluntarily neglect to put his proper marks on every respective tobacco Casks, at the making thereof, or wilfully place an unjust weight or tare thereupon whereby any person afterwards buying or receiving the same, shall or may be defrauded and wronged, contrary to the form & intent of this act, shall for every such offence & for every tobacco Casks wanting such marks or any of them as this act requires forfeit & pay five hundred pounds of tobacco & Casks, one moyety thereof to Our Soveraign Lord the King his heirs & successors for & towards the better support of this Government and the contingent charges thereof & the other moyety to him or them that shall inform & sue for the same in any Court of Record within this his Majesties Dominion of Virginia by bill information plaint or other action wherein no essoign protection or wager of law shall be allowed. And be it also further enacted by the authority aforesaid, and it is hereby enacted, that all and every

every Cooper in a towne to procure brands to brand all his Casks

and with the same to put two first letters of his name & Cask of the Cask, upon the head & bulge.

penalty 500lb tob. for not doing it & putting a false one.

plaunters not to pay away tobo. but in brandes Lake under the penalty of 500 lbs.

plaunter or plaunters or other persons whatsoever, which shall either pay to with out to pay away or put to Sale, or shall directly pay away or put to Sale any tobacco or tobaccos whatsoever prom'd after the said tenth day of September next in any other Caske whatsoever but what are ready marked according to the true intent of this Act, shall for every lbs offoure'd for every tobacco Caske wanting the same forfeit and pay five hundred pounds of tobacco to be for the use aforesaid to be recovered in manner aforesaid. And be it further enacted by the authority aforesaid and it is hereby enacted, that all and every purchaser or receiver of any tobacco or tobaccos in Caske so marked as aforesaid shall & do receive & accept the same at the particular farm thereon placed & put and that for every hogshead so purchased or received the buyer or receiver, shall pay & allow to the respective seller or payer away as a consideration in value thereof thirty pounds of tobacco & no more, any law usage Statute or Custom heretofore to the contrary notwithstanding. Provided always and it is the true intent and meaning of this Act, that all Sheriffs or other Collectors of the Publique dues shall pay & allow to the plaunter for Caske after the rate of eight per cent. according as by law is already established. Provided also and it is the true intent & meaning of this act, that all & every Court of Justice within this his Majesties Dominion before whom any Information upon the breach of this law shall be brought shall & are hereby impowered to consider what any tobacco hogshead after it hath been sometime packt may by the moisture of the weather or the tobacco thereof packt increase in weight & give judgment accordingly any thing in this act to the contrary hereof notwithstanding this act to continue in force three yeares from and after the fourth day of September next & no longer.

tobacco to take up Caske at the Custom house.

to pay 30 lbs. forfeit.

proviso for Caske of goode tobacco.

allow and to be made for increase of weight.

7. An Act declareing the 107th Act of Assembly made the 23d day of March 166½. to be in forte

Whereas divers doubts have arisen and dodayly arise whether the 107th. Act made at James City the 23d. of March 166½, entituled, no Seconds or Skips, be not repealed by a later Act of Assembly made at James City the 29th of September 1684. entituled, An act for dividing to Planters and divers persons doe thereupon endeavour to extend as well their bounding such Seconds and Skips, as their getting, rolling and sending away ground loades and other trash with the notion & colour of doing suffered towards the benefit of their labour, when indeed no such trash was thereby ever intended to be permitted and allowed. Which enacted by the Governor Councill & Burgesses of this present Assembly and the authority thereof And it is hereby enacted, that the said 107th. Act of Assembly made at James City the 23d of March 166½, entituled No Seconds or Skips, be now continued in full forte, power and virtue with this alteration & amendment, that from and after this Session of Assembly every person or persons that shall be found guilty of breach of the said Law or any branch thereof, shall for such offence forfeit, suffer and pay such forfeitures, penalties and fines as is therein mentioned and ordained to be forfeited paid and suffered, one moyety to our Soveraigne Lord the King, his heires and Successors, for and towards the better support of the Government of this his Majesties Dominion of Virginia, and the contingent charges thereof

Seconds & Skips prohibited.

penalty. what.

the other moyety to him or them that shall sue for the same in any Court of Record within this his Majesties Dominion of Virginia, by bylle, Information plaint or other action, wherein noe Essoigne, protection or wager of law shall be allowed.

And for asmuch as Severall persons strip the Stalkes out of the loads of their tobacco in this Country and then afterward ship the said tobacco stalkes for England, with intention to defraud his Majesty of his dueties here, and his customes there, when it shall arrive, and the price of tobacco by that practice also further to bee diminished, Be it therefore enacted by the authority aforesaid, and it is hereby enacted that whosoever shall ship any tobacco stalkes from which the leafe has been stripped and taken away for exportation out of this Country, shall for every pound of such tobacco stalkes, forfeit and pay fifty pound of tobacco, to the uses aforesaid, to be recovered in manner aforesaid. ##

exportation of tob. Stalkes prohibited.

penalty what

At a Generall Assembly begun at James Cityo 16.th day of April Anno 1691 and in the third yeare of the Reign of our Soueraign Lord and Lady William & Mary by the Grace of God, King and Queen of England, Scotland, ffrance and Ireland, Defendors of the faith, &c.

1.st An Act Giveing Reward for Killing Wolves.

Whereas it is found by frequent Experience since the Seuerall former Acts of this Country Giveing Reward for Killing of Wolves have been repealed and the Incouragement which incited many people to vse their best Indeavour & Industry to destroy them wholly to Run away, that Wolves have Soe greatly increase in number & that frequent Spoyle and destruction in every part of this Country is by them made upon Hoggs, Sheep & Cattle to the great Injury Damage & Loss of the Inhabitants. Bee it therefore Enacted by their Mat.ties Lieu.t Gouerno. Councill and the Burgesses of this Generall Assembly and the Authority thereof. And it is hereby Enacted, that whosoever hereafter shall Kill & destroy Wolves either by Gunn, pitt, Trapp or other indeavours or ways whatsoever, Viz.t for every Wolfe so Killed destroyed, to be paid in the County where the Same is done by Gitt or Trapp three hundred pounds of Tobacco & Cask And for a Wolfe killed by Gunn or otherwaies Two hundred pounds of Tobacco & Casks for the incouragement & reward any Law usage or Custome to the Contrary Notwithstanding. provided always & it is hereby intended that whosoever shall kill a Wolfe, shall make proofe before the next Justice of the Peace of that County at least by their owne Corporall oath or other sufficient proofe at the discretion of the Justice how, when & where he killed the said Wolfe, and also bring with him a Certificate thereof which being produced to the County Court at the proportioning of the Levy, Shall be sufficient to cause the said Court to raise upon the County the Seuerall Sume and Reward herein mentioned to be paid unto Such person as by Such Service Shall deserve the Same.

Reward for killing wolues.

if a trap. 300 lbs tob.

otherwaies 200 lbs tob.

proof how to be made of killing a wolfe

2. An Act directing how publick Cayne shall be certified for all Commutable

Bee it Enacted by the Right Hon.

Court of Claims to be held before every Assembly

Lieut. Governr. the Council & Burgesses of this present Gen: Assembly & the Authority thereof and it is hereby Enacted, that for the time to come there be Constant Courts held by the Justices in each County at some convenient time before every Assembly for proofe of such Debts as shall be due by Law from the Country & that Certificates together with a full account of all particulars Claymed, and by what Authority & for what Services & Sums became due, be Issued by the Clerk of each Court Indorsed upon the account Claymed & delivered to the Burgesses of that County in order to their allowance in the Assembly, which proofe shall be made at least by the Oath of the party Claymeing & producing the Warrant or Certificate by which he Claymes or other sufficient proofe and that the Court doe and are hereby Injoyned strictly to inspect & seriously to Consider every Article of the account so Exhibited, & Regulate the Same according to Law. And that the Clerke in full of all Fees due to him for every person that Claimes & Hath Certificate granted be allowed Twenty pounds of Tobacco from the Country where the Claime amounts to one hundred pound of Tobacco or more, and if under, to be done ex officio. provided allways that all Claymers intending to receive benefitt by this Act doe & Shall make proofe of their Claymes as aforesaid & returne the Same to the first or Second Succeeding Assembly after the said Claime become due, otherwise to be Excluded & Barred forever. And also that every Sherriff in this their Majties Dominion of Virginia Shall not for the future have or receive from the Country any Satisfaction for publick Services by him or them done, more than what is already Sett down, Expressed & ascertained in the Law, nominateing & appointing Sherriffs fees. And Be it further Enacted by the Authority aforesaid and it is hereby Enacted, that this Act Shall be read & published at every parish Church in each County by the Sherriff of the County or his Deputy on the Sunday next proceeding such Court, & likewise that this Act be Constantly read by the Clerke at the first opening of every such Court.

Certificates of publique Claims to be made & proved.

Court to regulate attos.

Clerks fee for a Certificate.

Sherriffs to have no more for publick Services than is given by Law.

Act how & when to be read & published.

3. An Act prohibiting Ordinary Keepers to Give Credit to Seamen and others.

For asmuch as the unlimitted Credit given by the Ordinaries & Tippling Houses within this Their Majesties Country & Dominion of Virginia to Seamen & others whereby they Spend not only their ready money but their Wages & other goods wch should be for the Support of themselves & families is found very prejudiciall, & occasions many persons newly free to run away to the Neighbouring plantations, to the great disadvantage of this Country, Be it therefore Enacted by the Rt Honble their Majties Lieut Governr & Councill & Burgesses of this present Genll Assembly & the Authority thereof, it is hereby Enacted, that if any Ordinary Keeper or Master of a Tippling House, Shall after Publication of this Act, Trust or Credit to any person or persons who are not Masters of two Servants, or being visibly worth fifty pounds Sterl: at least, more than the value of three hundred pound of Tobacco, Such Ordinary Keeper or Master of a Tippling House Shall loose all Such overplus Tobacco or money. for wch they Shall give Such Credit, & in Case any Ordinary Keeper or Master of a Tippling House Shall take or Gett from any person trusted as aforesaid any obligation, Bill or other Security for any Sum above three hundred pound of Tobacco Spent in one yeare under pretence that it is for other goods, where any Such Fraud Shall be discovered & proved the said Ordinary Keeper Shall upon Conviction be made incapable of Keeping Ordinary. and Shall forfeit double the Sum of Such obligation so Covinously taken, one half to their Majties their heires & Successors, for & towards the better support of the Government & the Contingent Charges thereof, and the other half to him or them that Shall Informe & Sue for the Same in any Court of Record of this Country by action of Debt, Bylle, plaint or Information, wherein noe Essoigne, protection or Wager of Law Shall be allowed.

Reima 154

what persons Ordinary Keepers may not trust for above 200 lbs. in a year.

penalty.

Ordinary Keepers not to entertain Seamen, being forwarned by their Master.

And be it further Enacted by the Authority aforesaid & it is hereby Enacted that if any Ordinary Keeper or Master of a tippling house Shall after prohibition or being forwarned by the Master of any Ship or Vessell Trading to this Country, Entertaine any of the Seamen belonging to any such Ship or Vessell, Such Ordinary Keeper or Master of a Tipling house Shall be for such offence lyable to the Masters Complaint, whereupon upon Sufficient proofe made Such Damages Shall be allowed as is provided in the act against Entertainment of other mens Servants, provided that this act or any thing therein Contained Shall not extend to the Ordinary Keepers of Jamestown by giving credit to any person whatsoever unlimited time of the Generall Court or during the sitting of a Genl Assembly, any thing aforesaid to the Contrary Notwithstanding.

penalty

proviso for y^e Ordinary Keepers at James Ty

## An Act to prevent the casting of Ballast into Rivers & Creeks.

Forasmuch as the throwing & casting of Stones, Gravell & other Ballast out of the Ships and Vessells Arriveing in the Rivers, Creeks & Ports of this their Majesties Country & Dominion of Virginia, is found very destructive & dangerous to the passage of Vessells, Sloops & boats, & a stopping up & choaking of the said Creeks, for the prevention of which mischiefe Be it Enacted by their Majesties Governor Councill & Burgesses of this present Assembly & the authority thereof, And it is hereby Enacted that from & after the 24th day of June now next coming, no Master or Masters, Owner or Owners of any Ship, Sloop, Boat, or other Vessell or any other person or persons whatsoever doe cast or unload their Gravell or Ballast at or in any of the Rivers, Creeks, Ports, Havens or Harbours of this Country, but on the land only above high water mark, upon paine that every such Owner Master of a Ship, Sloop, Boat or other Vessell casting or laying their Gravell Stones or other Ballast or permitting the same to be so cast or laid into any of the Rivers, Creeks or Harbs of this Country, Shall forfeit for every time soe offending the Sum of Fourpounds Sterl. one half whereof to be to their Majesties their heires and Successors for & towards the better Support of the Government of this their Majesties Dominion

No Ballast &c. to be cast in y^e Roads.

penalty

of Virginia, & the Contingent charges thereof, & the other Leavied to Suits or Claims that will lye for the same in any Court of Record within this Their Majts. Dominion, by Action of Debt, Bylt, plaint or Information wherein noe Essoyn protection or Wager of Law shall be allowed, provided allways Nevertheless, that if it shall hereafter appear to the Justices of the Court of any County within this Dominion in wch any Ship or Vessell shall happen to ride that the throwing or casting of Ballast into the Road or River within such County shall be of advantage to such Road or River for the better Mooring & Securing of Ships & Vessells, there at Shall & may be lawfull in the case for the Justices of the Peace of such County upon request of the Master of such Ship or Vessell usually riding & Mooring in such Road & River, as aforesaid, to permitt, Suffer & Give Liberty by an act of Court to such Master, as in manner aforesaid Shall request the same to throw & cast over their Ballast into such Road or River, any thing aforesaid in this Act Contained to the Contrary Notwithstanding.

provise. for those places, where it will do good to the Road. & the Court give leave

2ve.

5th An Act Directing how Sheriffs and Collectors Shall account for publick Dues.

Whereas severall persons have been & still are lyable to the Injuries by the Remissness of Sheriffs and Collectors of the Publique County & parish Levies, who often to their own advantage in- -out times to Demand & receive of publick Debts & other Collections for wch they may in Severall Cases make Seizure & distress for prevention whereof for the future Be it Enacted by the Rt Honble Their Majts Governr & Councill & Burgesses of this present Generall Assembly & the Authority thereof And it is hereby Enacted that the 50 Act of Assembly in the printed Books of Acts Limitting a certain time when Credits Shall Demand their Debts, Shall be Interpreted Holden to extend to Sheriffs & other Collectors of the publique County & parish Levies & all Sheriffs Clerks Fees, & also that all publique County & parish Debts, & all Debts of the Kings Sheriffs or Clerks Fees may have the benefitt & Liberty of the Second Act of Assembly in this years 1666. which Admits of Tobacco to the Creditor according to the Rate

Intent meaneing & purport thereof. And Be it further Enacted by the authority aforesaid and it is hereby Enacted. That in Case of Collecting the publick County or parish Dues or other Dues as aforesaid any Sherriff or Collector shall at any time make Seizure or distress of more Tobacco than are at that time due from the Debtor that in all such Cases the person Seizeing shall make immediate Satisfaction to the party from whom they shall make such Seizure or otherwise that he be allowed to take his overplus Tobacco out of the same to be Seized. And that no Sherriff or publique Collector shall or may from & after the publication of this Act presume to make Seizure of any sort of Tobacco be the Debt that time paid away & marked if there are at that time other Merchantable Tobaccos ready in such plantation which such Seizure shall made & which shall be offered & tendered by the Debtor. And Be it further Enacted by this Authority aforesaid & it is hereby Enacted that all Sherriff & Collector of publique County & parish Dues shall on or before the 31st. of January yearly produce & present to the Justices of the Court of that County of wch he is Sherriff or Collector at such Convenient time as the said Justices shall appoint his the said Sherriff's or Collector's Books Regist by him of his whole Collection as well of the publick dues as aforesaid as also of all Sherriff's Clerks Fees or private Debts put into his hands to collect & Collected together with the publique dues, together with a true, full and perfect account of the quantity, quality & weight of all Tobacco received by him as well for the publique County & parish as for Sherriff's Fees Clerk, Fees & private Debts, with a true acco. from whom the same was received & where & when, which said accounts is to be delivered upon the Oath of each respective Sherriff or Collector, one to the end the publique Credit of this Country may be well answered & discharged the Justices of each County be & are hereby impowered & required thoroughly to Examine & find accounts in presence of the Several Creditors

Satisfaction to be made for the excess of a Seizure.

Where a Seizure may be made.

Sherriffs to attend yearly to the Court before last of January

and in what manner

how the Court is to proceed and apportion the Tobo. to the Creditors.

who are to have Notice of the time of Examination of Such accounts at the proceeding Court held for the said County. And that the said Justices Order & appoint to each of the said Creditors & to their or other person Concerned in Sheriffs & Collectors & private Debts Intermixt in the said Sheriffs & Collectors books of accounts their & every of their due part & proportion of the Tobacco received & accounted for as aforesaid having due regard to the quality & Convenience of the said Tobacco to the end each person Concerned may have equall right therein And that it shall not be Lawfull for any Sheriff or Sheriff, publique Collector or Collectors to Convert to his or their own use directly or indirectly any part or parcell of the Tobaccos So received or Collected, or to be received or Collected by him or them, until the account thereof be presented, Examined & Ordered as aforesaid under the penalty of forfeiting four times the Value of Such Tobaccos So Converted to his own use one third part of the said forfeiture shall be to their Maj.ties Heirs & Successors, towards the better support of this Government of their Maj.ties Dominion of Virg.a & the Contingent charges thereof, one third part to the Govern.r of their Maj.ties Dominion of Virg.a and the other third part to him or them that Shall Sue for the same in any Court of Record within their Maj.ties Dominion by bill, Information, plaint or other action wherein no Essoign protection or Wager of law Shall be allowed provided alwayes that it Shall & may be Lawfull to & for every Such Sheriff & Collector, & they & every of them are hereby required to discount with all & every Creditor or Creditors of the publick County & parish Levies the full Sum & quantity due to them of the said Levies out of his her or their Levies due from them to the publique County & parish without any allowance for the same, And provided that all & every the Sheriff, Collectors aforesaid Shall be liable to make good all Tobaccos to be received by them as aforesaid

provisoe to discount with a Creditor his debt.

penalty.

shall

Tobaccos to lye on y^e Sherriffs hands 10 days.

If it Shall appear that the Same or any part thereof Shall be rotten, unsound, in Satisfaction or not Merchantable within ten days after the Same Shall be Ordered & appointed to the Creditors as before directed, after which time all the said Tobaccos Shall lye & be on the Creditors account & hazard; provided also that nothing herein Shall be Construed, deemed or taken to extend to their Majesties Quit-rents or other dues, but that the Same be Excepted out of this Act. #

Quit rents excepted out of this Act.

Expired.

## 7th An Act Reviving the 6th Act of St James City & Jamestown 20th of October 1686 Regulating the Tobacco Hogsheads.

For the prevention of abuses frauds & deceits daily practised in the packing away of Tobacco Hogsheads at a much lighter Tare than really the weight of the Tobacco & in the Country of the great damages done & Suffered by Tobaccos being packed in Hogsheads in the Colony upon as will not Endure Rowling to the Water Be it Enacted by their Majesties Governor Council & Burgesses of this present Generall Assembly & the Authority thereof And it is hereby Enacted that the 6th Act of the Assembly made at James City the 20th day of October 1686 Intituled an Act Regulating the Tobacco Hogsheads be now Revived & put in force with the Severall Explanations Clauses & Additions as hereafter Shall be Expressed That is to say That all & every Tobacco Cask the said Act directed to be marked or branded with the first Letter of the proper name & the first Letter of the Surname of the person or persons that Shall Set up & Impose the Same & Shall be for time to come respectively branded with an Iron brand & mode & form in Such place & in Such manner as in the said Act is Expressed & Set down & that the true intent meaning & Sense of the said Act for the future to be deemed taken & held by the Judges & every Court of Judicature within this their Majesties Dominion of Virginia

Amendment to the 20: act of 88th 1686 & for reviving it.

which shall hereafter have occasion to give
judgment in the same. And Be it further Ena-
cted by the Authority aforesaid, that all & every
Tobacco hogshead made & set up from & after the
publication of this Act to be made of Dry & well
seasoned Timber & set up in Strong & Sub-
stantiall hoops according to this size dimen-
tion & Seasoning hereafter mentioned &
Set down, that is to say. all & every Stand
belonging to any Tobacco hogshead or other
Tobacco Cask in which Tobacco is or shall be put to Sale shall be at least of this Assy
of one third part an Inch in the thinnest Edge
thereof. And to be made of such Dry & Seasoned
Timber as shall be soe felled & hewed three
Months at the least before the making setting
up thereof. And that all & every Cooper or Coopers
or other person whatsoever who from & after
the publication of this Act shall presume to make
up unseasoned Timber not having felled & hewed
three months at least before the making & setting
up thereof as aforesaid in the Stand or Heading of any Tobacco Cask what-
soever, shall forfeit for every Tobacco Cask so made
& set up forfeit & pay five hundred pounds
of Tobacco & also all & every planter or planters
or other person whatsoever, that from & after
the publication of this Act shall pay away or
put to Sale any Tobacco whatsoever in any
hogshead or Cask whatsoever but such as
shall be made according to the direction &
true intent & meaning of this Act, shall
for every such Cask forfeit & pay five hund-
red pounds of Tobacco One Moiety of the said
Fines & Forfeitures to be to their Ma.ties use. their
Heirs & Successors for & towards the better sup-
port of the Government & the contingent
Charges thereof. And the other Moiety to him
or them that shall sue for the same in any
Court of Record within their Ma.ties Domin-
ion of Virginia. by Bill Information, Plaint
or other Action, wherein no Essoign protec-
tion or Wager of Law shall be allowed. And
forasmuch as diverse disorders & deceits

tobacco hogshead to be made of seasoned timber & good staves

penalty. to the Co
ver y.e does not.

penalty to the planter

April 16. 1691.

shall Arise & may hereafter Arise about the allowance of thirty pound of Tobacco for every Tobacco Caske, where the Speciality of the Debtor or agreement of the Contract for the Tobacco doth not Shall Express Tobacco Caske, & thereupon advantage may be taken of the Planter to the utter loss of his Caske Contrary to the Intent & meaning of this Act Be it Enacted & declared by the Authority aforesaid, that all & every Creditor Buyer receiver or other person whatsoever that shall receive Tobacco in Caske for the Satisfaction of any bill bond, purchase contract or other act whatsoever (whether the same Express Tobacco & Caske or not) Shall & may lawfully & may to & for such Debtor & therewith Lawfully make payment of thirty pound of Tobacco for every hogshead so to the person or persons of whome he shall receive the same, and at the time he doth receive it of the Debtor seller or payer away Shall Forever Every such Creditor Buyer receiver &c. pay to the party Injured the Sume of five hundred pound of Tobacco to be recovered by Action of Debt in any Court of Record within this their Majesties Dominion of Virginia any Law, Statute, Usage or Custome to the Contrary Notwithstanding. This Act or anything therein Contained not to be construed or taken to extend or relate to any bill Bond or Obligation already made for any Debt Contracted before the publication of this Act, this Act to Continue in force three years and no longer.

30 lb. tobo. to be allowed for each hh

under the penalty of 500 lb. tobo.

Suspended. 1st act, 1692. 3.

(to am.)

8th An act for Ports &c.

Whereas their Majesties Customes & Revenues of this their Dominion of Virginia by the present Usages & practice of Loading & Shipping of all sorts of Merchandising Goods Inward, & all Tobacco & other Goods outward wholly for England or elsewhere are rendered impossible to be secured to be duely paid into the hands of their Majesties Respective Collector or other Officers to be appointed & Commissioned to receive the same, great opportunity being thereby Given to such persons to import Exports Goods & Merchandize without their

or paying the Dueties & Customes due thereupon
under & practised by greedy & covetious persons
respecting more their private gained & Condi-
tion, then their Duty Allegiance & the Com-
profitt of their Mat.ties good Subjects to y.e apparent
Diminution of their Mat.ties Revenue & great
discouragement of Such who duely pay the Same
which abuse cannot be better prevented then
by appointing Certaine Limitted Ports, Wharfes
Keys & places for laying on Shore & Loading
on board all Goods Tobacco & other Merchandize
to be Exported out of, and imported into
this their Mat.ties Dominion of Virginia for prevention
of w.ch Fraud abuse for the time to come
Bee it Enacted by their Mat.ties S.d Governor
Councill & Burgesses of this present Gen.ll Assembly
& the authority thereof and it is hereby Enacted
that from & after the first day of October w.ch
shall be in the yeare of our Lord 1692. all Ships
Barques & other Vessells which shall come arriveing
into or Saileing out from this Country for
Trade shall unload & put on Shore, & to be all Ships to load &
from Shore to Load on board all Tobacco Goods unload at the places
& Merchandize at some one or other of the hereafter mentioned
Ports, Wharfes Keys or places hereafter
mentioned in this Act and at none other place
or places whatsoever under the penalty and
forfeiture of Such Ship Barque or other penalty.
Vessell with all her Gun, Tackle Ammunicon
Furniture & Apparrell. And Bee it Enacted
by the authority aforesaid & it is hereby Enacted
that all Goods Wares & Merchandize of whatsoever
Nature Kinde or Condition w.ch shall be Imported
into or Exported out of this their Mat.ties Dominion
of Virginia after the Said first day of October
1692. shall be Landed & laid on Shore at some all goods &c. to be
one of the Ports & places hereinafter mentioned imported or exported
& shall & at none other places or places what- to be landed at
soever Sold bought, And whosoever shall from the places
presume to buy Sell Land or Lay on Shore hereafter mentioned.
unless in Case of Vnder to preserve & Save
any Goods or Merchandize whatsoever to be
Imported or Exported as aforesaid & not

penalty

other place or places thereunto and of the Port Wharfe Key or other place or places there-
=after named in this Act, shall forfeit & lose all such Goods Wares & Merchandizes as
shall in other manner then is by this Law
directed be landed or laid on Shore, bought
sold. Shipped or received or to be on board
any Ships Barques or other Vessels whatsoever
as aforesaid. And Be it further Enacted
by the Authority aforesaid & it is hereby Enac-
=ted that for the better Securing all
Tobaccos, Goods Wares & Merchandizes which
shall be brought to & landed at the Port
Wharfe Key & places by this Act required for
reception & Landing thereof the Justices of
each County are hereby Authorized Commanded
and Impowered within three months after
publication of this Act to appoint & Substi-
=tute Surveyors of each County to Lay out &
Survey fifty acres of Land at such place &
places aboard hereafter in this Act nomina-
=ted appointed & set down for the Port Wharfe
Key & places for receiving on Shore and
Shipping all good Tobacco Wares & Merchandizes
as afore said, and for the Erecting Warehouses
or any other Houses for the better Securing
all such Goods Tobaccos Wares & Merchandizes
to be imported or exported as aforesaid
And Be it further Enacted by the Authority afore-
=said. And it is hereby Enacted that if any Owner
or owners or other person or persons whose the
owner is absent, of such Land aboard by this Act
hereafter appointed for a Port Wharfe
Key or places as aforesaid shall not be willing
to agree for & sell such Land at such Price and
Value as by the Justices aforesaid, thought
reasonable, That then in such case at the
request of the said Justices their Majesties Govern-
=or the time being is hereby desired & Impower-
=ed to issue forth his Warrant or Warrants
directed to the Sheriff of Town & Neighbour-
=ing County thereby Commanding him to

Justices to cause a Surveyor to Lay out 150 acres of Land for a port.

if the Owner be unwilling to agree for the Land the price the Justices thinke fit

shou a jury of the next County to value it.

Impannell Twelve of the most able & discreet freeholders of his Majtyes Bayliwick in Convenient time to go upon the Land appointed by the Law Cause Found, Port Wharf Key or place of Landing Goods Wares or Merchandizes to be imported or Exported, Upon their Corporall Oathes to Value the Same, the Said truth Having regard to the Inconveniency that may happen to the owner by reason of his Said Grist of in the Sight of their Judgment w^ch Worth or Value by them so made & found Shall be paid & Satisfyed or well Secured to be paid & Satisfied the next Succeeding Crop to the owner or owners, Guardians, Attorneys present possessor or possessors by the Inhabitants of the County where Such Land lyes to be by vertue of this Act Levied by the Sheriff of that County or any Four or more of them (whereof one to be of the Quorum) upon the Inhabitants of the County & pole on every Titheable in manner aforesaid County Charges and Prizes from time to time to be Levied & Raised, That in Consideration of Such Sum or Sums of Tobacco by the Jury assessed or of So much as the Jury aforesaid Shall Value the Said Land to be Worth Such owner or owners Guardians, Attorneys present possessor or possessors Shall well & Sufficiently Convey & Assure unto Such person or persons as the County Court Shall appoint Seized in trust & good & absolute estate in Fee of & in the Said Fifty acres of Land in trust & Confidence & to & for the uses & intents & purposes hereinafter mentioned That is to Say, to & upon Such Intended purpose, that the Said Seizure & that out of the Said Fifty acres of Land Convey & Assure to any person requesting the Same & paying & reimbursing the County prorato. what the Same at first cost, the like good & Sufficient Conveyance & Assurance in the Law unto Such person or persons their heirs & assigns for ever, one or more Half acre or Half acres, but not under Such Condition

ye Jury consideration the owner shall make a Conveyance unto Seizee in trust

the Seizee shall convey out in Halfe acres pro rato to reimburse the County.

The grantee of every ½ Acre is wm 4 monthly to begin to build a 20 foot Square house.

That such Grantee shall severally & respectively within the Space of Four months next ensuing such Grant, begin & without Delay proceed to build & finish on each half Acre Granted to him, one good House to contain twenty foot Square at the least, wherein if he failed to perform, then such Grant to be Voyd in Law and the Land therein Granted lyable to be Seized & purchased of any other person — And Be it further Enacted by the Authority aforesd. And it is hereby Enacted, that in Case where any Owner proprietor or his, their or her Guardian or Guardians, or Known Attorney or Attorneys where such Owner or Owners Proprietor or Proprietors shall be under Age, or out of the Countrey or County where the Land lyes, appointed by this Act to the lyes aforesaid, shall upon tender of payment or Security for the paym.t next Succeeding creepp, of the value or Consideration for the purchase of the said Land, to be agreed as aforesaid, refuse to make such Assurance & Conveyance as by this Act is directed, such Denyall or refusall shall Ipso facto be taken for a forfeiture of the said Land to the ffeoffees or Trustees appointed or Intrusted by the Court aforesaid, proof thereof being first made in the County Court where the Land lyes. And that Immediately from & after such Refusal as aforesaid, it shall & may be Lawfull to & for the said ffeoffees or Trustees, in & upon the said fifty acres of Land to Enter. And the same to have hold Occupy & Injoy, as of an Estate in fee to & for the use & intent & purpose aforesd. And Be it further Enacted by the Authority aforesaid. & it is hereby Enacted, that Immediately upon such Entry the said ffeoffees and every of them, are & shall be Seized of & in a pure & absolute perfect & Indefeasable Estate of Inheritance in fee in trust & to & for the Intents & purposes aforesaid & such Conveyances & Grants shall be made by them or any of the said Lands according to the power

a Denial of the owner &c to make a Conveyance to the ffeoffees shall be taken for a forfeiture

or for feit thi land.

e

proof being made thereof in the County Court the ffeoffees may take possession.

and if upon such entry be Seized of an Estate in fee &

and truft in them by this Act proposed & Given That be adjudged Deemed & taken to be good Valid & effectuall in Law to all Intents & purposes whatsoever, as if the said Grant were made by the true & Right full Owner proprietor or possessor of the Land. Any Law Statute Usage or Custome to the Contrary hereof Notwithstanding. And Be it further Enacted by the Authority aforesaid & it hereby Enacted that the Surveyor be appointed to lay out the said fifty acres of Land, Shall have for the same. And for delivering to the County Court a fair plott thereof. five hundred pounds of Tobacco & Caske to be paid by each County. And for every half acre & giving a plott thereof Twenty pounds of Tobacco to be paid by him that Shall employ him, And that such Surveyor appointed to lay out the whole fifty acres of Land as Shall be Imployed upon timely Notice Given to Him to Survey & lay out any one or more half acres or half acres of Land for the respective purchaser, thereof, or Demanded shall pay or allowance for the doeing & giving a plott thereof sufficient to ground the conveyance upon in the bounding & expressing the Limits of the said one or more half acres or half acres of Land, then what is by this Act allowed Shall upon proof made pay to the party so agrieved five hundred pounds of Tobacco & Caske to be recovered by action of Debt Bill or plaint in any Court of Record within this their Majesties Dominion of Virginia

Surveyors fee for laying out the Land

And Be it Enacted by the authority aforesaid, that the Several Nominated Port Towns & Royal places hereafter named & Set downe be and Shall be the Several respective Port Towns & Royal places constituted & appointed by this Act for the uses intents & purposes before named, that is to say. for Shall be (City) (County) at Flowerdo hundred over against Surniah where

Surveyor for neglect fined 500 lbs.

The names of the places for the ports &c.

it was by a former Law appointed & accordingly laid out & paid for & Severall Dwelling houses & Warehouses built. for James City County James City. for Nansamond County at Huffs point where formerly by Law appointed & accordingly laid out and paid for & built upon pursuant to ye said Law. for Elizabeth City County on ye West Side of Hampton river on the Land of Mr. William Wilson Lately belonging to Mr. Thomas Jarvis Dec. the plantation where he Lately lived and the place appointed by a former Law & Several Dwelling houses & Warehouses already Built. for Lower Norfolk County on Nicholas Wises land on ye Eastermost of the Southern branch of Elizabeth River being the land appointed by a former Law & accordingly laid out & paid for and Several Dwelling houses & Warehouses already built. for Yorke County upon Mr. Benjamins Read land beginning at ye lower Side of Smiths Creek & so running downward by the river towards the ferry. for ye upper part of Yorke river at West point to be paid for by the County. in w.ch County for Glocester County at Tindalls point part on the Land of Coll. Lawrence Smith & part on the land of Mrs. Rebecca Royden. for Middlesex County on the Land belonging to Ralph Wormeley Esq. on the West Side of Vincock Creek & over against ye plantacon where he now liveth formerly laid out by the Surveyo. of the County according to the direction of the act made in anno. 1680. Intituled an act for Cohabitation and Encouragement of Trade & Manufacture and fully paid for to the said Ralph Wormeley Esq. at the price Sett by the said Act & a good Sufficient Warehouse built thereon, for Rappahannock County at Robb his Neck the Land laid out by a former Law & paid for

where the Court house, Severall Dwelling Houses & Ware Houses are already built. for Stafford County. on the Land where Capt. Malachy Peale now liveth called Potomack Neck. for Accomack County at Anancock in Occahannock Neck formerly laid out pursuant to a former Law made anno 1680. where the Court house Severall Dwelling Houses & Ware Houses are already built, for Northampton County on one of the branches of Parry stones Creeke on the Land of m^r. Anna Doe & daughter of Capt. Hancock Doe, now in tenure of the Widow of Andrew Snead. for Lancaster County on the Land where m^rs. Hannah Ball now liveth Scituate on the Western side of the mouth of Corotoman River. for Northumberland County in Chickacone River being the Land of m^r. Spencer Natrum formerly laid out for a Towne according to a former Law, And that the place & Ingagator Nominated may be & are hereby appointed to be places for buying & selling of all manner of Goods Wares & Merchandizes under y^e Same Limitacons & Conditions as are mentioned to be observed performed in Setting & appointing the Ports aforesaid. But shall not have liberty to Land from on board any Ship or Vessell, at y^e first Importacon or Shipp off in order to the Immediate Exportacon any Goods, Wares or Merchandize, but only to & from some one of the Ports before in this Act mentioned (that is to say) for Henrico County at Bermuda hundred point on the Land belonging to the Wife of John Woodson. for Isle of Wight County at the mouth of Pagan Creeke formerly laid out for a Towne by the name of Batchelors & paid for & Houses built upon it. for Warwick County at the mouth of Deep Creeke alias by a former Law appointed & laid out by the name of Warwick Towne & paid for by directions of the s^d Law and Severall Houses there built, together

places for buying & selling at only

with a brick Court house & prison. for Surry County at the Mouth of Grayes Creek on the Lower Side thereof. for Westmerland County on the Land of Capt. William Hardidge where he now lives at the mouth of Nomony a place formerly appointed by Law.

(And Be it Enacted by the authority aforesaid & it is hereby Enacted) that from & after the said first day of October 1692. Noe Tobacco Goods Wares or Merchandize shall be taken on board any Ship Barque or Vessell whatsoever from any Part of this Dominion in order to be exported in the said Ship Barque or Vessell But that shall come directly from some one or other of the Ports Wharfs Keys or places mentioned in this Act, nor unless the said Tobacco or other Goods so taken on board from such places or places allowed of by this Act be first Entred with the Collector or Officers duely appointed to Collect & receive & Secure the Customs and a Coquett or Certificate thereof produced from him of such Entry made together with the marks & Number of such Tobacco or other Goods Wares & Merchandize so Entred for Exportation in such Ship Barque or other Vessell as the same is Intended to be put on board under the paine & penalty of forfeiting all such Tobacco Goods Wares & Merchandize as shall be put on board any Ship, Barque or other Vessell & not coming directly from such Port, Wharfe, Key or place mentioned & allowed in this Act and the Entry made thereof with the Lawfull Officer according to the Direction true intent & meaning of this Act. And for the better preventing & discovering of Fraud & abuse. Be it further Enacted by the authority aforesaid and it is hereby Enacted, That all Tobaccos Skins, Furr Goods Wares & merchandize, that shall be found on board any Ship, Sloop, Boat or other

no tobacco to be taken on board any ship from any place but one of the ports.

penalty.

Vessells that hath passed by any of the Forts mentioned in this Act after the taking on board any Such Goods Wares or merchandizes & have not a permitt from the Collector or other Officer of the Customs of this District for this Same declaring to what Port or place they are to be Carryed Shall be wholy forfeited, One third part of Sale w.ch Shall be forthwith to be to their Ma.ties their Heirs & Successors to=wards the better Support of this Government & this their Ma.ties Dominion of Virginia & the Contingent charge thereof, one third part to the Governr. here & the other third part to him or them That Shall Informe or Sue for the Same in any Court of Record within this their Ma.ties Dominion of Virginia by Bylt Information plaint or other Action wherein noe Essoign protection or Wager of Law Shall be allowed. **provided** allways & it is the true Intent & meaning of this Act, that any Place already Laid out & appointed by any former Law & now by this Act again appointed & Confirmed to be one of the Ports, Wharfs, Keys or places of Trade Landing of Goods Merchandize to be imported or for Shipping Tobacco & other goods and Merchandize to be exported wherein any thing hath been heretofore done & Acted pursuant to Such Law, the Same Shall be & is hereby Deemed held good & Valid in Law. any thing herein or by any other Law Order usage or Custome to the Contrary thereof in any wise Notwithstanding. **provided** allways & that in Case of Death or Departure out of this Dominion of any one or more who Shall be appointed by Virtue of this Act a Jurat or Jurats in trust as aforesaid, That then & Shall & may be a Law full for the Justices of that Court where Such Death or Departure Shall happen and the aforesaid Justices are hereby impow.

goods found on board any vessell that hath passed by a port & hath not a permit from the Collector &c. forfeited.

Proviso, for place appointed by a former Law & now ag.n appointed.

Proviso upon death or departure out of the Country of any Justice to be appointed by the Justices.

to Constitute & appoint in the place or
room of such Collector or Collectors Lander or
Departed one or more Collector or Collectors for
the more ease intent & purpose aforesaid. pro=
=vided also [redacted], That in case any Land to be
laid out by force of this Act for a Port &
Wharf as Key &c. Shall be in the tenure &
occupation of a Tennant by the Curtesie
That in all such Cases the Fourth part of
the Consideracon for wch. the aforesaid Land shall
be purchased Shall be paid & satisfied to the
said Ten: by the Curtesie, the other three fourth
part to paid or secured to be paid to him who
hath the Fee therein, any thing therein or
by any other Law Order vsage or Custome
to the Contrary thereof in any wise Notwith=
=standing. And Be it Enacted by the Auct=
=hority aforesaid & it is hereby Enacted, that
for the better Security of the Ports aforesaid
& there may be Customes thereby arising & towards
the better Maintenance & Encouragement
of a Learned & pious Ministry & advancem
of Learning and towards the Supporting of the
Govt by the same, there Shall be answered
& paid to our Soveraign Lord & Lady King
William & Queen Mary for & during their
Naturall Lives & the life of the Survivor
of them &c for the use intent & purpose
in this Act mentioned & declared & to & for
no other use Intent or purpose whatsoever
to be received by such Collector & Collectors
Officer & Officers as Shall be Elected & appointed
in such manner as is herein appointed
& in no other ways, such Duties Customes
& Impost upon the following Goods Wares
& Merchandises, that Shall be Exported &
Carryed out of this their Maj.ties Dominion
either by Land or Water from & after the
first day of June next Ensueing as Followeth
that is to say For every pack hyde one Shilling
For every Tann hyde two Shillings. For every
Buck Skin dressed or undressed Eight pence

provise. in case the Land be in the possession of a tennant in Dower &c.

An Imposition on Skins &c.

every Doe Skin dresst or undresst five pence. every pound of Beaver Eight pence, every Otter Skin Six pence, every Wild catt Skin three pence, every Mink Skin two pence, every Fox Skin three pence, every Raccoon Skin one penny, every dozen Muskrat Skins six pence every Deer Skin one Shilling, For every pound of Wool Six pence, For every pound of Iron one penny, w^ch Said Duties Customs & Impost to be Satisfied & paid by the person or persons Exporting or Carrying out the Same either by Land or Water to the Collector or Collectors appointed to receive the Said Duties Customs & Impost before the Said Goods Wares & Merchandize Shall be Shipped Exported or Carryed out of & from this Dominion either by Land or Water. and the Certificate thereof obtained from y^e Collector or Collectors of the Port or precinct where Such Goods Wares & Merchandize Shall be so exported or Carryed away Signifying the payment & Satisfaction of the Duties Customs & Impost aforesaid under the penalty of Forfeiting all Such Goods Wares & Merchandize which Shall be Shipped off or loaded on board of any boat Sloop, Ship or other Vessell in order to Exportation by Water or Endeavoured to be Carryed out of this Country by Land & this Shall Value thereof. And Be it further Enacted by the Authority aforesd. & it is hereby Enacted, that if it Shall at any time happen that any of the Said Goods Wares & Merchandize Shall from & after y^e Said first day of June be transported Conveyed or Shipped out of this their Majt^ies Dominion by any person or persons before y^e Said Duties Customs & Impost are duly paid & Satisfied & Certificate obtained for the Same as aforesaid & that the Said person or persons who Shall Hereof be Law fully Convicted either by their own Confession or by other good & Sufficient Evidence, Shall forfeit & pay

what to be paid.

penalty.

if any of the^se goods be transported before y^e Duties &c paid.

the person exporting y^e Same Shall forfeit double value

and a mariner privy to such fraud shall forfeit 40ll. Sterl.

double the true Value of all Such Goods Wares & Merchandizes, And if any Master Marin.r Seaman, Boatsman, Carr. or other person whatsoever Shall be privy to Such fraud & assist therein, he they & every of them upon Due Conviction thereof Shall for first & pay for every Such offence forty pound Sterl. money, One third part of all which penalties & forfeitures Shall be to their Maj.ties their Heirs & Succes.rs to be imployed towards y.e better Defraying of the said Forts & Supplying y.e Country with Armes & Ammunition and other third part toward the better Maintenance & y.e Ministers of this Country & another third part to him or them, that Shall Sue for y.e Same in any Court of Record within this Country by Bill plaint Information or other action, wherein no Essoign protection or Wager of Law Shall be allowed. And for the better Securing Collecting & receiving of all & every the Duties Customs & Impositions aforesd.

forfeitures how to be applyed.

Be it further Enacted by the Authority aforesaid & it is hereby Enacted, That the Rt. Hon.ble the Lt. Governo. for the time being or the Governo. or Comander in Chief of this their Maj.ties Dominion for the time being may be Impowered & desired to Nominate Constitute & appoint Such & So many Collecto.rs & Collecto.rs in all & every of the Forts placed & Districts of this Country for the receiving, Securing & Collecting all and every part of the said Duties Customs and Imposts upon all & every of y.e Goods Wares and Merchandizes aforesd. and with y.e Advice of the Hon.ble Council Shall think fit & convenient to which said Collecto.rs or Collecto.rs are hereby Impowered to Demand Secure & receive all & every the Duties Customs & Imposts before mentioned, with full power to go on board any Boat Ship or other Vessell or into any House in the day time where he Shall have

Govr. to appoint Collectors of y.e Duties.

the power of the Collectors.

just cause to suspect any fraud to be acted
or done contrary to the true intent & meaning
of this Act for the better discovery thereof
to search such house Ship or Vessell or other
place upon oath or Information made
to a Justice of the Peace of a fraud suspect-
ed to be Comitted And his Warrant obtained
for Detecting the same in the persons of
a Sheriff or a Constable in the day time
upon refusall of the owner or possessor
Doors & doors to all & every such house
Shopp to break & open & to break open
any chest trunk Cask or other thing what-
soever in which any of the Goods Wares or
Merchandizes aforesaid are suspected to
be packed & Concealed & upon finding &
discovering any such fraud or deceit as
aforesaid, to & seize every such Goods Wares and
Merchandize to seize & to take it into his
or their possession & secure to & for the pur-
poses intents & purposes before mentioned And all
manner of persons are hereby required to be
aiding & assisting to the Collector Collectors
his & their officers this Informer discoverer
& seizer & such Goods Wares & Merchandize
exported or endeavoured to be exported Con-
trary to this true intent & meaning of
this Act. And that all & every Collector & Collectors aforesaid shall & are hereby required some- Collectors whom to
time in April & October Gen. Court to yearly and for the duty
to render a true & just account upon oath
& make payment of all & every such sum
& sums of money as they & every of them
shall receive & collect for the Duties and
penalties by this Act imposed as aforesaid
to such person & persons as shall be named
impowered & appointed by this Gen. Assembly and to whom.
who is hereby impowered to account with
every such Collector & Collectors & to demand
receive & take of & from them & every of
them all & every the Sum & Sums of mony
arising due upon the said Collector & Collectors

Collectors Salary Six p Cent.

account & to Give him or them ye allowance of Six p Cent out of the Same for his trouble & paines taken therein and for so much to Give him & them Sufficient discharge & that the person or persons who Shall be appointed to receive ye mony Arising by the said Duties & penalties & aforesaid from the Collectors thereof aforesaid Shall & is hereby Authorized & required to Keep & retaine the Same in his owne custody & possession, untill he Shall be Ordered and required to pay & dispose of the Same in manner & by Such Warrant & direction as is herein aforesaid or mentioned, which Shall be Sufficient to discharge him of so much as he Shall from time to time issue and pay as aforesaid & Shall be allowed upon his account wch he Shall & must make of the Same to the next Succeeding Assembly & so to every Succeeding Assembly for wch the said person or Treasurer Shall be allowed Four p Cent. for his trouble & paines therein and that in Case the person or persons to be named to receive the said Duties Customs & Imposts from ye said Collectors & Collector Shall during the Intervall of Assemblies Dye or Depart out of this Country, that in such Case the Govern. or Comander in Chief for the time being, with ye advice of the Councill Shall be Impowered & are hereby desired to Nominate Constitute & appoint another Sufficient person to Supply his or their said places with like power, untill the next Succeeding Assembly, who Shall have power to call to account & recover of the said Treasurs. Exrs: and the Estate of the person or persons who Shall Dye or Depart the Country aforesaid leaving any of the mony so Arising by Vertue of this Act in his or their Custody

Treasurer of the Duty to attend ye Assembly & to be allowed 4 p Cent.

In case of a Vacancy the Govr. to appoint a treasurer.

or possession all & every such sume & sumes of money to & for the uses aforesaid.

And Be it Enacted by the authority aforesd. & it is hereby Enacted, That all sume & sumes of Money & every part & parcell of the same arising by Virtue of this Act shall be divided into three equall parts & one part thereof shall be to our Soveraigne Lord & Lady the King & Queene their Majtie. their Heires & Successors for the better Support of the Government in providing Armes & Ammunition for y. better Defence thereof & building maintaining & Repairing Convenient Fortifications for the defence of Shipping arriving in the said Port to be paid by the Treasurer or Treasurers to be appointed by vertue of this Act to such person & persons & in such order & manner as by the Gen. Assembly shall be from time to time Ordered & appointed & not otherwise, another third part thereof towards the maintenance & encouragement of a learned & pious Ministry to be equally distributed among the ministers of Gods Word being the Incumbents of the Severall parishes in this Country in equall proportion. And that all & every Churchwarden & Churchwardens with the major part of every Vestry & Vestries of every respective parish & parishes within this Dominion do Annually some time in March call & hold a Vestry & act of the same make Certificate of the name of the present Incumbent and how long he hath Continued in that Cure to the Treasurer appointed to receive & keep the Duty arising by Virtue of this Act, who together with two of the Honble Councill (not being Collectors) & two of the Clergy such as shall be appointed by the Govornd. or Commander in Chiefe yearly in Aprill to Divide the said third part of the Duties arising by Force of this Act a

the more effectually this Act how to be Devided.

Equally among[st] the Severall Ministers whose names are Certified as aforesaid, which Sumes so paid & allowed Shalbe Certified by the person who proportions the Same among[st] the said Ministers to the Severall Vestries of the parishes where they are resident to the end the Same may be discounted & allowed out of the Sallary of the said Minister, and that he may be paid the remainder of the yearly allowance appointed by the Law to each Minister in this Country at the usuall time of the laying of the Levy by the Vestry of the said parish, and that the person or persons who shall be appointed to receive the Money Arising by the Duties upon the Goods mentioned in this Act from the Severall Collectors & Collectors of the Same doe Keep & preserve in their & their hands & possession the other third part of the said money to be disposed of by order of the Gen.[ll] Assembly of this Their Majesties Dominion, towards the encouragement of Learning in Case the Good designe of Erecting a Free Schools & Colledge shall take the desired effect, or otherwise to be disposed of for the Defraying the publick Charge of this Country & defraying the Levy by Severall and to & for no other use Intent or purpose whatsoever. **provided** allways that all & every Treasurer & Treasurers Collector & Collectors to be appointed by Virtue of this Act doe before their entrie into their respective offices give bond with good & Sufficient Security for their due performance of their Severall offices according to the true intent & meaning of this Act & for the further prevention of Fraud & discovery thereof in the Imposts Duties & Customs laid upon the Severall Commodities mentioned in this Act. Be it Enacted by the Authority aforesaid & it is hereby Enacted that whatsoever

Collectors and Treasurers to give bond for performance of their office

person or persons shall from & after the first day of June next Export or Carry out or cause to be Exported or carryed out of this Government by Land or Water into another Government for the purchase of Skins furrs or other Indian Traffique any Goods Wares or other Merchandize whatsoever & shall not first have & receive or permitt of the Collector or other officer of the Customes of that district from whence he Carryes the same who is hereby required & Commanded before the Granting & Copy such permitt or Licence to take Bond with good & Sufficient Security, that the Full & whole produce of the said Goods Wares & Merchandize in Skins, furrs or what other Indian Traffique soever it shall happen to be, shall be brought into this Country & at the Importation entred with him or some other Lawfully appointed Collector or officer shall forfeit such Goods Wares & Merchandize or the Value thereof to be recovered in such manner & to such uses as is in this Act before Expressed.

Goods to purchase Skins not to be exported without permitt

Collector to take bond that the produce of those goods or Skins shall be brought into this Country & entred with him.

HER MAJESTY'S STATE PAPER OFFICE

penalty.

And be it further Enacted by the Authority aforesaid & it is hereby Enacted, that the Governr. or Commander in Chief for the time being with the advice of the Councill be impowered at any time hereafter as it shall be found Convenient & Necessary any one or more of the above Nominated Five places or Towns qualified by this Act for the buying & Selling all manner of Goods Wares & Merchandize to Constitute appoint & make a Port or place for Laying on Shore or Loading onboard all Goods Tobaccos and other Merchandize to be Exported out of & imported into this their Majs. Dominion of Virginia. And that the said Port being so appointed as aforesaid Equally qualified provided & admitted & to be deemed held & taken with any of the other Ports already Nominated & appointed by this Act for Ports & places of Landing Goods Tobaccos Wares & other

the Govr. impowered as he shall see fit to make any of the Towns mentioned in this act, ports &c

Merchandise to be Imported into or Exported out of this Country. Any thing in this Act herein to the Contrary Notwithstanding.

9th **An Act** for a free Trade with the Indians.

**Be** it Enacted by their Maj.ties Lt Governo. & Councill & Burgesses of this present Gen.all Assembly & the authority thereof & it is hereby Enacted that all former Lawes & Acts of Assembly Limitting, restraining & prohibiting Trade with the Indians, be & Stand Hereby Repealed; and they are hereby repealed, And that from hence forth there be a free & open Trade for all persons at all times & at all places with all Indians whatsoever. And for the future prevention of such mischiefs as have frequently happened at hunting comonly called fire hunting, and other hunting remote from the English plantations, Be it Enacted by the authority aforesaid & it is hereby Enacted, that noe person or persons whatsoever shall hereafter presume to goe on hunting remote from the English plantations, without first having obtained the Leave & permission of their Maj.ties Govern. & Comander in chiefe for the time being and the Councill of State, under such Restriction, Limitations & Condition as at the time of Giving such permission shall be by them thought fitt to be injoyned and appointed.

a free trade with Indians

Hunting remote from the plantacons not to be done without the Govrs. & Councils Leave.

10th **An Act** to prevent horses running at Large & barking fruit trees.

Forasmuch as Sundry horses, mares & Colts running in the woods at Large doe often prove very Injurious to the Inhabitants of this Country, by breaking into Orchards and barking & destroying fruit trees, & Inticing Ridgs other mischiefs, for prevention whereof

for the future Be it Enacted by this Hon.ble
Lt. Governr. Councill & Burgesses of this Gen.
Assembly & the authority thereof & it is hereby
Enacted, That from & after the first day
of October next all & every owner or owners
of such horse or horses, Mares & Colts, shall well
& sufficiently keep & secure him or them within
their owne Fenced Grounds, & in case that at
any time after the said first day of October,
any such horse or horses shall be found running
at large & without such Fenced ground &
shall be taken up & delivered to the owner
or owners thereof, such owner or owners
shall pay to the person delivering the same,
& making good proof thereof by this owne Corporall
oath & one other Evidence before some one
of their Hon.rs Justices of the Peace for the County
where such owner shall Dwell, of this Colony
for taking up the said horse or horses without
any unreasonable by him or by any other person
to his knowledge used for detaining at
Liberty such horse so to be taken up, One hundred
pounds of Tobacco & Cask for each horse. And
Be it further Enacted by the authority
aforesaid, That if at any time after the said
first day of October any such horse or horses
shall break into any Orchard or Garden &
spoyle, Barke or destroy any fruit Trees
or trees the owner or owners of such horse
or horses shall pay to the party Injured as
aforesaid, & that shall make sufficient
proofe of the same, the Sum of Two hundred
pounds of Tobacco & Casks for the first trespass
& for such horse or horses second trespass
proved as aforesaid four hundred pounds of
Tobacco & Casks, to be recovered by action of
Debt in any Court of Judicature within
this Colony. And if any horse or horses shall
the third time Commit any such mischiefe
it shall & may be Lawfull for any person
or persons Injured thereby as aforesaid, Haveing
sufficient proofe thereof to the

Horses that bark trees not to run at large

penalty.

if horses shall break into Orchards

the owners find for horses 200 lbs

2d. trespas 400 lbs

3. trespas the horse may be killed

destroy any such horse & horses other by Gun or otherways, allways provided that every Owner or Owners of any Orchard or Fruit trees intending to take the benefitt of this Act, shall cause and make the said Fence four foot & a half high at the least, provided always & it is the true Intent & meaning of this Act, that the Penalty of One hundred pounds of Tobacco imposed upon the owners of such horses, Mares Colts &c. as shall be found running at large without fenced Ground, shall be understood, deemed & taken to extend to the owners of such horses, Mares Colts only as are Notoriously known to be Barker & destroyers of Fruit trees intended to be prevented by this Act, &c. may be proved such by sufficient Witness although not taken in the actuall doing thereof and to no other, any thing in this Act. Here to fore Contained to the Contrary Notwithstanding. #

proviso. that the Orchards &c. be well fenced.

proviso. declaring what sort of horse they shall be.

## 12th An Act declaring the Duties of Tanners, Curriers & Shoomakers.

Forasmuch as divers & many deceits and abuses have been hitherto Committed & daily are Committed & practised by the Tanners Curriers & Workers of Leather of this their Maj.ties Colony & Dominion of Virginia, to the great Injury & Damage of the Inhabitants thereof for prevention of which for the future be it Enacted by the R. Gov.r Council & Burgesses of this present Gen.ll Assembly & the Authority thereof & it is hereby Enacted that from & after the 29. day of March next coming no person or persons whatsoever which shall after the said 29. day of March occupy or use by him or themselves or

what tanners are to doe with hides.

by any other person or persons the Craft or mistery of Tanning Dressing Coating or Making of Leather, Shall suffer any Hide or Skin to lye in the Lime but while the same be ouer Limed nor Shall put any Hide or Skin into any Tann-Fatt before the Lyme be well & perfectly Sodden & Wrought out of them & every of them,

tanners not to sell any Hide vnviewed by viewers.

nor Shall after the said 29th day of March next put to Sale any Tanned Hyde or Skin but such as Shall be first Viewed, approved & Sealed by the Viewers hereafter in this Act appointed upon Forfeiture of such Hide, Skin or Leather so offered or put to Sale. And Forasmuch as no Leather can be so well Tanned but it may be Marred & Spoyled in the Currying; Be it therefore Enacted by the Authority aforesaid and it is hereby Enacted that from & after the said 29th day of March next coming noe person or persons Shall Curry any kind of Leather except it be well & perfectly Tanned nor Shall after the said 29th day of March next Curry any Hide or Skin being not throughly dry after the Tann with any other thing but good Stuff & Oyle, nor with less of that then the Leather will receive, nor Shall Curry any Kind of Leather more for ouer Leather & Inner Leather Sole, but with good & sufficient Stuff being fresh & not Salt, upon paine of Forfeiture for every such offence Tenn Shillings to the owner of each Hide or Skin so Dammified

penalty

And Be it further Enacted by the Authority aforesaid & it is hereby Enacted that the Court of each respective County for the time being Shall appoint one or more fitt person or persons from time to time to Search and Try all such Curryed Leather, & Shall with a Seale therefore to be prepared with convenient Speed after Currying & Tanning mark, Seale such Leather as they Shall find sufficiently Curryed, taking for every Hide so Sealed after the rate of two Shillings Sixpence for the Dicker or Tenn Hides and for every Sixpence of Calves Skins two Shillings & Sixpence and noe more, to be paid by the owner of the

County Court to appoint Searchers to try all leather & to Seale it.

Searchers fee.

hides or Skins. And forasmuch as Leather well
Tanned & Curryed may by the negligence, deceit
or Evill Workmanship of the Cordwayner or
Shoomaker be vsed deceitfully to the hurt of
the occupier or Wearer thereof, Be it therefo-
-re Enacted by the Authority aforesaid & it
is hereby Enacted, that noe person or persons
which after the said 29. day of March next
coming shall occupy the Mistery or Occupacon
of a Cordwayner or Shoomaker, shall make
or cause to be made any Boots, Shoes, Slip-
pers or any part of them of Virginia Leather
not curryed other then Deer Skins, Calves Skins
or Goat Skins made or vsed or to be made &
dressed like unto Spanish Leather, but
of Leather well & truely Tanned & Curryed in
manner & forme aforesaid, or of Leather
well & truely Tanned only & well & Substan-
-tially Sewed with good Thread well twisted
& made, & Sufficiently Waxed with Wax well
Rosined, and the Stitches hard Drawn with
Hand Leather. And Be it further En-
-acted by the Authority aforesaid And It
is hereby Enacted, that the Justices of
each respective County within this
Colony shall appoint & Swear yearely
one or more person of the most honest &
Skill full men within their Countie, to
Search & View within y^e^ precincts of
their said office, which shall often as
they shall think good, or need shall be, make like
Search within their Limitts & Shall
have a mark or Seale prepared for that
purpose, and that the said Searchers or one
of them shall keep the Same Seale or mark,
& with the Same Shall Seale or marke such
Leather as they Shall find Sufficient &
not other, and if the said Searchers or any
of them doe find any Leather Sold or offered
to be Sold, which Shall be Found, Wrought
Converted or vsed Contrary to the true
Intent & meaning of this Act, or any
Leather Sufficiently Curryed, or any Boot &
Shoe, [illegible] or any other thing made of

Shoomaker what to doe.

Searchers to have a Seale.

Tanned or Curryed Leather, Insufficiently Tanned, Curryed or Wrought Contrary to the provision in this present Act, It Shall be Lawfull to & Said Searchers or any of them to Seize all Such Leather, Shoes or other Ware made of Leather, & to retaine the Same in their Custody untill Such time that the Same Shall be Tryed by Such Tryers in Such manner & Form as is herein Act appointed, And Be it further Enacted by the Authority aforesaid. & it is hereby Enacted That the Justices of each & every Respective County within whose precinct any Such Seizure of any kind of Tanned Leather Shoes or Curryed or of any Shoes, Boots or other Ware made of Tanned Leather Shall happen to be, Shall with all Convenient Speed after Notice unto them Given of any Such Seizure, appoint Six honest & Expert men to try whether the Said Tanned Leather, Boots or Shoes or other Ware so Seized be Sufficient or according to the true intent & meaning of this Act or not, the Said tryall to be made openly upon the next Court day after Such Seizure. And Be it further Enacted by the Authority aforesaid & it is hereby Enacted That each of the Said persons so elected & appointed for the Tryall of the said Leather, Shoes, Boots & other Ware made of tanned Leather Soe to be Seized as aforesaid, Shall proceed & doe their Duties therein without Delay according to the true & intent & meaning of this present Act, upon paine that every of them making default herein Shall be fined at the discretion of the Court of the Respective County. And Be it further Enacted by the Authority aforesaid, & it is hereby Enacted, That if any Searcher or Sealer of Leather, Shall refuse with Convenient Speed to Seale any Leather Sufficiently Tanned, Wrought or made according to the true meaning of this present Act, That then every Such Searcher or Sealer Shall forfeit for every Such offence Forty

and to Seize all Leather Shoes & ware returned to this Act.

Court upon a Seizure to appoint Six Tryers

Tryers to proceed &c. without Delay, or to be fined at y^e. discretion of the Court.

Searcher refusing to Seal Sufficient Leather &c. fined.

Searchers that refuse bribes. fined.

Skilling, And further if any Searcher of Leather Shall receive any bribe or exact any other fee for the Execution of his said office, than is by this present Law Limitted for the Searching & Sealing of Leather, then every Such Searcher or Sealer, so offending Shall for his for every Such offence Twenty pound Sterl.

That if any person or persons duely Elected according to the true meaning of this present Act to & for the Execution of the said office of Searching or sealing of Leather, refuse to exercise the said office, That then the person or persons Soe refuseing Shall for feit & pay five pound Sterling. And Be it further Enacted by the Authority aforesaid & it is hereby Enacted, That if any person will after the said 29. day of March next Coming Willfully withstand or deny any Such Search to be made according to the true. of this Act aforesaid, or will not Suffer the said Tryers & Searchers so appointed to enter into his or their house or houses or other places, to View & Search at their Will & pleasure all manner of Tanned Leather & all manner of Shoes boots, Mats, Saddles & all manner of Ware wrought & made or to be Wrought & made of Leather, & to Seize & Carry away all Such Leather Shoes Ware as they Shall find insufficiently Tanned Curryed or Wrought or made of ill Stuffe, That then all & every Such person & persons Soe denying & withstanding, & not Suffering the said Tryers & Searchers or any of them Soe appointed for the time being to enter & make Search & Seizure as aforesaid Shall loose & forfeit for every time Soe Denying & withstanding five pound Sterl. And Be it further Enacted by the Authority aforesaid & it is hereby Enacted, That it Shall not be Lawful for any person or persons to buy Sell or exchange any Tanned Leather before the Same Shall be Searched or Sealed upon

Searchers appointed refuse to execute ye office fined.

persons that refuse a Search to be made & every time soe refuseing fined.

not Lawful to buy any leather before Search.

paine to Forfeit the said Leather & the Value
thereof to be bought, Sold or Exchanged, & the penalty.
Searched & Sealed. And Be it further Enacted
by the Authority aforesaid & it is hereby Enacted
That if any Currier or after the said twenty ninth Currier
day of March next Coming, doe Curry any Lea-
ther insufficiently Tanned or after the said
24th day of March doe not Curry such Leather
as he doth, substantially & well according to
the meaning & purport of this Act, or if
any Shoemaker Cordwayner or Cobler after Shoemaker
the said 24th day of March put any Tanned Lea-
ther into any Shoe, boote, Slipper or
other thing made of Tanned Leather w^ch shall
not be well & perfectly Tanned according
to the purport & true meaning of this
Act or after the said 24th day of March doe
put any Curryed Leather into any boote, shoe,
Slipper or other thing made of Leather w^ch
shall not be well & sufficiently Tanned &
Curryed and also Sealed aforesaid, or doe
make Boote, Shoe, Slipper or other thing
made of tanned Leather in any other manner
then is above Specified & Ordained, or if any Sadler
Shoemaker, Sadler or other Artificer
useing, Cutting or working of Leather doe
make any ware of any Tanned Leather in-
sufficiently Tanned, or of Tanned & Curried
Leather long not sufficiently Tanned &
Curryed as is aforesaid, or doe not make
the wares belonging to their Severall Oc-
cupation sufficiently & substantially, offending this act
that then & every person soe offending shall hereafter fined.
forfeit for every such Severall offence or
Default the said Ware & the just Value
thereof & all which paines, penalties &
forfeitures aforesaid of Sums of money
aforesaid shall be Divided into three equall parts Division of penalty
One part Hereof shall be to our Soveraign and how to be ap
Lord & Lady the King & Queen, their Heires plied.
& Successors, towards the better support of
the Government of this their way

Dominion of Virginia & the Contingent Charge thereof, & another third part to him or them, that shall first Sue for the same in any Court of Record within this Colony by Action of Debt, Bill, plaint or Information or otherwise, in w.ch Suit noe Essoign, protection or Wager of Law shall be admitted or allowed, and the other third part thereof shall be disposed of by the Court of such County where the offence shall be committed towards the building, repairing & Supporting an house of Correction. And all such Leather, Hides, boots, Support, Wax, Stuff or other things whatsoever made of Tann'd Leather or Curryed Leather, w.ch shall be seized by Virtue of this Act, & shall be found by the tryers to be appointed as aforesaid to be insufficient shall be forfeited & distributed as hereafter follows that is to say, such Leather or Stuff so seized to be brought to the Court house of this County, where such Seizure shall be made, there to be appraised by Indifferent persons & the Value thereof to be Divided into three parts whereof one to be to their Maj.ties use the second & Succeeding towards the better Support of the Government & the Contingent Charge thereof & another third part to the first Seizor or Seizors of the said unlawfull Stuff. And another part to be disposed of by the Court of such County where such Seizure shall be made towards the building, repairing & Supporting an house of Correction And for the avoiding of all Ambiguities & doubts which may & doe grow & arise upon the Construction & Interpretation of this word Leather Be it Enacted & declared that the Hides & Skins of Oxe, Steere, Bull Cow, Calfe, Doe, Goat & Sheepe being Tann'd Shall be and be taken & reputed to be Leather

all Stuff seized & found insufficient to be done with.

It 165 14th An Act for the alteration of the time for processioning of Land.

Whereas in the Act of Assembly relating to processioning of Land being the 78. Act of the printed Laws, It is directed that the said Act be put in effectuall execution between the first of March and the last of May yearly, which time of the year being found inconvenient in many respects;

Be it therefore Enacted by their Maj.ties Lt. Governr. Councill & Burgesses of this present Assembly & the Authority thereof, And it is hereby Enacted that so much of the said Act as appoints the time of processioning be & it is hereby Repealed. And Be it Enacted by the Authority aforesaid, And it is hereby Enacted that the time for processioning of Land hereafter, be between the last day of September & the last day of March. ||

time of processioning altered.

16th An Act for Suppressing out Lying Slaves.

Whereas many Runaway Negroes, Molattoes & other Slaves unlawfully absent themselves from their Masters & Mistresses Services, & lye hid & lurk in obscure places, killing hoggs & Committing other Injuries to the Inhabitants of this Dominion, For remedy whereof for the future be it Enacted by their Maj.ties Lt. Gov., Councill & Burgesses of this present Assembly & the Authority thereof And it is hereby Enacted that in all such Cases upon Intelligence of any such Negroes, Molattoes or other Slaves lying out two of their Maj.ties Justices of the Peace of that County (whereof one to be of the Quorum) where such Negroes Molattoes or other Slaves shall be, shall be impowered & Commanded & are hereby impowered & Commanded to issue out their Warrants directed to the Sheriff of the said County to apprehend such Negroes, Molattoes & other Slaves, which said Sheriff is hereby likewise required upon all such occasions to raise such & so many forces from time to time

Manner of apprehending Outlying Slaves.

as he shall think Convenient & necessary for the effectuall apprehending such negroe Molattoe & other Slaves, And in case any negroe Molattoe or other Slave or Slaves lyeing out aforesaid, shall resist runaway or refuse to deliver & surrender him or themselves to any person or persons that shall be by any Law full authority imployed to apprehend & take such negroe Molattoe or other Slaves that in such case it shall & may be Law full for such person or persons to kill & destroy such negroe, Molattoe & other Slaves or Slaves by Gunn or any other waies whatsoever. provided that where any negroe, Molatto, Slave or Slaves shall be Killed in pursuance of this Act, the owner or owners of such negro or Molattoe Slave shall be paid for such negro or Molattoe Slave four thousand pounds of Tobacco by the publique. And for prevention of that abominable Mixture & Spurious issue w.ch hereafter may increase in this Dominion, as well by negroe Molattoe & Indian intermarrying with English & other white women, as by their unlawfull accompaining with one another, Be it Enacted by the Authority aforesd. And it is hereby Enacted, that for the time to come, whatsoever English or other white man or woman being free shall intermarry with a negro, Molatto or Indian man or woman bond or free, shall within three months after such marriage be banished & removed from this Dominion forever. And that the Justices of each respective County within this Dominion make it their particular care that this Act be put in effectuall execution. And Be it further Enacted by the Authority aforesd. And it is hereby Enacted, that if any English Woman, being free shall have a

In what case it is lawfull to kill Outlying Slaves.

Slaves killed in pursuance of this Act to be paid for by the publique.

white man or woman marry a negroe Black &c. to be banished.

Bastard Child by any Negro or Molatto, She pay the Sum of fiftoone pound Sterling within one month after such bastard Shall be borne, to the Church wardens of the parish where She Shall be delivered of such Child, And in default of such payment She Shall be taken into the possession of the said Churchwardens disposed of for 7 yeares, & the said Sum of fifteen pound or what soever the woman Shall be disposed of for, Shall be paid one third part to their Mas^tie^s for & towards the Support of the Government & the Contingent charges thereof, one other third part to the use of the parish where the offence committed, & the other third part to the Informer, And that such Bastard Child be bound out as a Servant by the said Church wardens untill he or She Shall attaine the age of thirty one yeares, And in case such English woman that Shall have such bastard Child be a Servant, She Shall be sold by the said Churchwardens after ten times it be proved that She ought by Law to Serve her master) for 7 yeares, & the money She Shall be sold for, divided & to be forfeited & punished & the Child to Serve as aforesaid. And forasmuch as great inconveniencies may happen to this Country by Letting of Negroes & Molattoes free by their owners or otherwise entertaining Negro Slaves from their master, Service or Residence Stolen Goods, or being growne old, bringing a charge upon the Country, for prevention whereof Be it Enacted by the Authority aforesaid, & it is hereby Enacted, that noe Negro or Molatto be after the end of this present Session of Assembly Sett free by any person or persons whatsoever unless such person or persons their heires, Exec: or Admin: pay for the transportacon of such Negro or Negroes out of this Country within Six months after such Setting them free, upon penalty of paying ten pounds Sterling to the Churchwardens of the parish where such person Shall dwell, with in money or Tobacco there of as Shall be necessary. The said Churchwardens are to cause the said Negroes or Molattoes

what woman free having a bastard by a Negro fined

the bastard to be bound out as a Servt. & by whom.

a Servant woman yt. is English & has a bastard by a Negro, to be Sold for 5. year.

No negroes to be sett free, without they be sent out of the Country.

penalty.

to be Transported out of the Country & the remainder of the said money to be Imployed to the use of the poore. of the parish. ||

Private

19th An Act for Dividing New Kent County.

Whereas Sundry & diverse Inconveniencies attend the Inhabitants of New Kent County & all others who have occasion to prosecute Law suits there, by reason of the Difficulty in passing the River. Be it therefore Enacted by their Maj.ties & Govrnr. Council & Burgesses of this present Gen.ll Assembly, and the authority therof. And it is hereby Enacted That the aforesd. County of New Kent be Divided into two distinct Counties, and that Pamunkey River Divide the same and the Southside of York River to the Extent of the County and that that part which is now on the South side of York & Pamunkey rivers be called New-Kent. And that the North side with Pamunkey River be called & known by the name of King & Queen County; And be it further Enacted by the authority aforesaid & it is hereby Enacted, that the Inhabitants of Pamunkey necks that now belong to St. Peters parish, be & stand added to St. Johns Parish, from which they formerly were taken, and that Pamunkey River be the bounds between the two parishes, any Law, Usage or Custome to the Contrary Notwithstanding, And for the due administration of Justice Be it further Enacted by the authority aforesd. and it is hereby Enacted, that a Court for the said King & Queen County be Constantly held by the Justices thereof upon the 12th. day of every month in such manner as by the Laws of this Country is provided, & Place as by their Commission directed.

bounds of New Kent County & King & Queen County.

Pamunkey River to divide St. Johns & St. Peters parish.

when Court of K. & Q. County to be held

Private

20th An Act for Dividing Lower Norfolk County into two distinct Counties by the name of Lower Norfolk & Nansemond & by the Bounds of the County of

Lower Norfolke many Inconvenience Did found by the Inhabitants of the Lower part of ye said County bounding on the main Ocean & the part of North Carrolina w.ch have been by ye said Inhabitants much Complained off. And now from the said Inhabitants of ye Eastern part Demonstrated to this Gen: Assembly. the Grivances wherein they pray to be redressed. Be it therefore Enacted by their Maj.ties Lt. Governr. Councill & Burgesses of this Gen. Assembly & the Authority thereof and it is hereby Enacted That the said County of Lower Norfolke Shall be Divided & made two Counties in manner following That is to say. Beginning at the mouth of Little Creeke & soe up the said Creeke to ye Dam between Jacob Johnsons & Richard Drouts & soe out of the said Dam up a branch & head of the branch Lyeth between the Dwelling house of William Mosely Junr. & ye Dwelling house of Edward Webb & soe to run from the head of the said branch on a direct line to the Dam at the head of the Eastern branch of Elizabeth river & w.ch Dam Lyeth between James Kemp and Tho: Fry & soe downe the said branch to ye mouth of a Small branch or Gutt that Divides the land w.ch m. John Porter now Lives on, from the land he formerly Lived on, & soe up the said Small branch according to the bounds of the plantacon where the said Porter now Liveth & from thence to the great Swamp that Lyeth on the East Side of John Howlands & so along the said great Swamp to the North River of Corotuck & downe ye said North River to the mouth of Simpsons Creeke & soe up the said Creeke to the head thereof & from thence by a South line to the bounds of Carolina. And that this Division Shall be & remaine the bounds betweene ye said two Counties w.ch Shall hereafter be

The bounds of Norfolk & Princess Anne County

Vid at. 4. 1695.

and be held Deemed & taken as & for two entire & distinct Counties, each of w.ch shall have use & Enjoy all the Liberties priviledges & advantages of any other County of this Colony to all intents & purposes whatsoever And that the Upper part of the said two Counties in w.ch Elizabeth River & the Branches thereof are included do retain & be ever hereafter called & known by the name of Norfolk County. And that the other of the said two Counties be called & known by the name of Princess Anne County. And for the due Administration of Justice Be it Enacted By the Authority aforesaid and it is hereby Enacted, that a Court for the said Princess Anne County be Constantly held by the Justices thereof upon the Second Wednesday of the month in such manner as by the Lawes of this Country is provided & Limited by their Commission directed.

Vid at 1. 6. 1692

## At a Generall Assembly

begun at James City the 1st day of April 1692. in the third yeare of the Reign of our Soveraign Lord & Lady William & Mary, by the Grace of God, King & Queen of England, Scotland, France & Ireland, Defender of the Faith &c. & thence Continued by Prorogation to the 1st day of April 1692, in the Fourth yeare of their Majs. Reign

## An Act for Confirmacon of Lands

Whereas Several Doubts & Controversies have arisen & daily doe arise upon the 5th Act of Assembly made in Anno: 1677. Intituled an Act ascertaining the price of double Patents, the Same having been variously Expounded, for Clearing which Doubts & Ambiguities that may be therein, Be it Enacted by their Majs. the Governor Councill & Burgesses of this present Generall Assembly & the authority thereof, And it is hereby Enacted, that where one or more

tract or tracts of Land have been taken up & add to a patent of Land already Seated that not Such tract or tracts of Land Shall Lyable = for the Same to be Seized for forfeited for want of due Seating. provided Such tract or tracts be duly Seated within three years from the publication of this Law as it by Law required but that the Same be & are hereby confirmed to Such person or persons as are the present Owner or possessors thereof, as fully as if Such tract or tracts had been actually Seated as by Law Enjoyned, this Law nor any thing herein Contained not prejudicing any Grant already made of any Land wch were Joyned with former Seated Dividends were not themselves Seated but that the present Proprietor Enjoy the Same according to the Grant made them, provided they have or Shall within ye time limitted by the said Grants, Comply wth the Condition of them. provided nevertheless that all Land hereafter to be taken up & Patented, as aforesaid, Shall be adjudged forfeited for want of due Seating unless according to the time by patent limitted they Shall be duely Seated as the Law required. provided allways, that no Land found by a Survey of any Seated Tract to be within the bounds of the said Tract or any not habitable Marshes or Sunken Grounds taken up or to be taken up as aforesaid, Shall be Lyable to the penalties hereof, any Law, Statute, Vsage or Custom to the Contrary Notwithstanding provided the said marshes or Sunken Grounds be Exactly Surveyed, & their Rents paid for the Same.

Land added to Seated Land, not forfeited.

if Seated in 3 years after publ: of this act

hereafter taken up to be Seated within 3 years.

Marshes & Sunken Land excepted.

## 3d An Act for the more Speedy Prosecution of Slaves Committing Capitall Crymes.

Whereas a Speedy Prosecution of Negroes and other Slaves for Capitall Crymes, Robberies

Necessary, That others being Deterred by the Condigne punishment inflicted on such offenders May vigorously proceed in their Labour, and be affrighted to Comitt the like Crymes & offences. And Whereas such prosecution hath been hetherto obstructed by reason of the charge & Delay attending the Same. Be it therefore Enacted by their Maj:ties Ll. Gov. Councell & Burgesses of this present Gen. Assembly & the Authority thereof, And it is hereby Enacted, That every Negro or other Slave w.ch shall after this present Session of Assembly Committ or perpetrate any Capitall offence w.ch by Law of England required to be Satisfied with the death of the offender or Loss of member after his Committing the said offence Shall be forthwith Committed to the Comon Gaol of the County within w.ch such offence Shall be Committed, there to be safely Conteined well Loaden with Iron, & that the Sheriff of the said County doe forthwith Signify the same to the Governo. for the time being, who is desired & impowered to issue out a Comission of Oyer & Terminer directed to Such person of the said County as he Shall think fitt, which person forthwith after Receit of such Comission are required & Commanded publickly at the Court house of the said County to cause the offender to be Arraigned and Judicted, and to take for Evidence of Confession of the party or the oath of two witnesses, or of one with pregnant Circumstances without the Solemnity of a jury, And the offender being found Guilty as aforesaid to pass Judgment as the Law of England provides in the like Case and on such Judgment to award Execution And Be it further Enacted by the Authority aforesaid & it is hereby Enacted, That all horses, Cattle,

Manner of proceeding agst Criminalls.

and Hogg, marked of any Negro or other Slaves marks, or by any Slave kept, and w.ch shall not by the last day of December next be Converted by the owner of such Slave to y.e use and marke of the said owner, Shall be forfeited to the use of the poore of y.e parish wherein such horse beast or hogg shall be kept, to be sued by the Churchwardens Therefor. And Be it Enacted by y.e Authority aforesaid & it is hereby Enacted, That where it shall happen, that any damage shall be therein Committed by any Negro or other Slave Living at a Quarter, where there is not Christian Overseer, the same Damage shall be recompenced by the owner of such Slave to y.e party Injured.

Horse Cattle or hogg under Negro Marke forfeited.

damage done by Negro or Negroes, where there is no Christian overseer to be payd for by the master.

4th An act about Physicians & Chirurgeons accounts.

Whereas it is Expressed & declared in y.e 92. Act of Assembly, Intituled, Chirurgions accounts regulated, That it shall be Lawfull for any person or persons conceiving themselves aggrieved by the Physition or Chirurgion unreasonable to Arrest the said Physition or Chirurgeon to the Gen.l or County Court.

Be it Enacted by Her Most Excellent Majesty by & with the Consent of the Council & Burgesses of this present Gen.l Assembly and the Authority thereof, And it is hereby Enacted, That the same Clause be Hereby Expressed & it is hereby repealed, the same being in it self unreasonable And Be it Enacted by the Authority aforesaid, & it is hereby Enacted, That every Physition & Chyrurgeon be allowed for their Care & paines & for their Drugs & meanes with Cent p Cent upon the first cost, he making Oath to the same. And that where the Physition & Chyrurgeon cannot declare upon his Oath the first cost of the Medicines the Court wherein any Controversy shall depend about the same shall & are hereby Impowered to give Judgment therein

Chirurgeons allowed Cent p Cent on y.e cost of their medicines.

according to the best of their Knowledge allowing the Petition a Reprieve for his Corporal attendance & recommended Suitable to his desert.

Private 5th An Act for the Dividing of Rappahanock County.

Whereas Sundry & diverse Inconveniencies attend the Inhabitants of Rapp. County & all others who have occasion to prosecute Law Suits there by reason of the difficulty in passing the River. Be it therefore Enacted by the Right Honble the Lt Governr & Council & Burgesses of this present Genll Assembly & the Authority thereof & it is hereby Enacted, that the aforesaid County of Rappahanock be Divided into two distinct Counties so that Rapp. River divide the same. And that that part which is now on the North side thereof be called & known by the name of Richmond County. And that that part which is now on the South side thereof be called & known by the name of Essex County. And for the due administration of Justice Be it Enacted by the Authority aforesaid & it is hereby Enacted, that the Court of the said County of Richmond be Constantly held by the Justices thereof on the first Wednesday of the month in such manner as by the Laws of this Country is provided. And shall be by their Comission directed. And the Court for the said County of Essex be Constantly held by the Justices thereof on the fourth day of the month in such manner as by the Laws of this Country is provided. & shall be by their Comission directed. And Be it Enacted by the Authority aforesaid & it is hereby Enacted that Whereas the Seated Land lying at Rob's Hold on the South side of the said County

The bounds of Richmd & Essex County.

time of holding the Court

was purchased by the Justices County aforesaid it is the Charge thereof being equally to be Rayed by the whole number of the Tithables of the said County, that the Money of the Tobacco arising from the said Sheriffs to the Severall takers up of the aforesaid Lands be repaid to the Inhabitants of the Northside thereof upon the taking up of the said Land at the Towne aforesaid. And Be it further Enacted by the authority aforesaid & it is hereby Enacted, that the Records belonging to the County Court of Rappahannock before the Division be kept in Lancaster County, that belonging wholly to their Majesties & the other to the Proprietors of the Northern Necke.

Northside Sheriffs Collection to be paid by the Tobacco from the Sale of the Tobacco Land.

place for keeping the Records.

6th An Act for altering the Day for Princess Anne County Court

~~Private~~

Forasmuch as it is by Experience found that the day appointed for holding Court in Princess Anne County according to the 20th Act of the last Assembly Entituled an Act for Dividing Lower Norfolk County is very inconvenient for the Inhabitants of that & adjacent Counties whose affairs Respectively require their attendance at that Court. And forasmuch as it is desired that the said day may be altered another day appointed by an Act of Assembly. Be it therefore Enacted by their Majesties Governor Councill & Burgesses of this present Generall Assembly & the authority thereof. And it is hereby Enacted, that so much of the said Act as appointeth the day for holding Court in Princess Anne County be & is hereby Repealed. And Be it Enacted by the Authority aforesaid & it is hereby Enacted that for the future the Court for the said Princess Anne County be Constantly held by the Justices thereof on the first

Time of holding Surry County Court.

Wednesday of the month in such manner as by the Laws of this Country is provided & shall be by their Commission directed. Any Law Usage or Custome to the Contrary Notwithstanding. ||

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# At a Generall Assembly

Begun at James City the 2d day of March 169 2/3. And in the fifth year of the reign of our Sovereign Lord & Lady William & Mary by the Grace of God of England Scotland ffrance & Ireland King & Queen Defender of the faith &c.

Nr. 1
Vid: Large vol. 151.

## An Act concerning Indians Hoggs.

Whereas the 6th Act of Assembly made in ye year 1674. Intituled, an act Concerning such Indians who keep Hoggs to mark & the same, Injoyning all Indians that keep Hoggs to have a peculiar mark for their owne, And forasmuch as it hath been represented to this Assembly, that the Notoway Indians & others keeping Hoggs have diverse marks & more especially the marks of Sundry English adjacent to them, & under colour thereof doe kill & dispose of the Hoggs belonging to the English, & it doubting dispute what County Court shall assigne & mark for the Notoway & Wyonoake Indians Be it therefore enacted by the Governor Council & Burgesses of this Gen. Assembly and by authority thereof, And it is hereby enacted that Surry County Court be appointed & hereby authorized & impowered within Six months after the publication hereof, to assigne a particular mark to each of the Towns of the Notoway & Wyonoake Indians, & that for the future if any English whatsoever shall buy or receive from any Indian whatsoever, any Hogs, and shall not able to prove such Hogs so bought

Surry County Court to assign a mark for Notoway & Wyonoak Indians hogs

or preserved aforesaid, to be of the proper marke belonging to the Towne of Indians to which the said Indian or Indians that sell the same doe belong, shall forfeit & pay one thousand pounds of Tobacco one half to their Ma.ties their heires & Successors for & toward the better support of this Government & defraying the Contingent Charges thereof. & the other half to him or them, that will sue for the same to be recovered by action of Debt bill plaint or Information in any Court of Judicature in this Country.

possesse of lay Indians & their p.ticular marke to belong the land

3d an act for Giveing Encouragement to Erect Fulling Mills.

Whereas by the third act of Assembly made at James City the 23.th of September 1661. Intituled an act for giving Encouragement for Erecting of Mills

It is Enacted that if any person willing to Erect one or more Mills upon convenient places, shall find only on one side of the said place & the owner of the land on the other side refuse to sell him land enough of his land to the use aforesaid, that then the County Court upon the request of the party soe refused shall order & empower two of their Comission. or such other credible persons as they shall think fitt to view the said land, and if it take not away the seuseing overplus & other immediate Convenience, then to value the said quantity of land & put the said land in the possession of the party building the said Mill or Mills, he paying the Confideration of land soe valued at, for the Encouragement therefore of Erecting Fulling Mills in this Country, Be it Enacted by the Govorno. Councell & Burgesses of this present Gen. Assembly & the authority thereof & it is hereby Enacted that the said priviledge Advantage & benefitt herebefore Granted Construed reed and taken to extend & be according & Given

priviledg of land for fulling Mills.

allowed unto all & every person & persons who shall be minded to Treat & Bargain with one or more there of

Repeal'd, 1699.

## An Act for ascertaining the price of Coasting Cocquetts & requiring Officers attendance.

Whereas Complaint hath been made unto this Assembly, that Collectors for y^e time past have unduly taken & received diverse & distinct sums of money from the Inhabitants of & traders into this Colony for Coasting permitt & passe & Cocquetts although there be not any ascertained & stated rate for y^e same by Law. Be it therefore Enacted by the Governour Council & Burgesses of this present Gen^l Assembly & authority thereof & it is hereby Enacted that for the time to come Nothing shall be demanded received or taken by any Collector Subcollectors or any other manner of person or persons whatsoever they or any of them now have or hereafter shall have power & authority to Enter & Clear Ships Sloops or other Vessells by himself or Deputy or by any other of his or their Ministers for a Coasting permitt or passe & Cocquet above one Shilling Current money except for the Enumerated Commodities according to Law and that every Collector Subcollector & other person & persons having or which hereafter shall have power & authority to Enter & Clear Ships Sloops or other Vessells & all other their Ministers whatsoever they be that shall do or attempt or cause to be done or attempt to do against this Act in any thing shall forfeit & loose for every time so offending to the party Grieved in that behalf & so much money as any such person aforesaid shall take Contrary to this present Act &

Collector's fee for Coasting Cocquett.

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penalty.

giver that shall loose & forfeit Four pounds Sterl. whereof ye Majesty shall & to his Majesties heirs & Succrs. to & for the better Support of this Government & other ye Contingent Charges thereof, the other moyety to the party grieved in that behalf, that will sue by action of Debt bill Informacon or other way in any Court of Record within this Country for recovery of the same in wch action bill or Information, no Forreign protection or Wager of Law shall be allowed or admitted. And whereas many of the Inhabitants of Virginia trade into this Colony are diverse times put to great Charge & trouble in coming to Collects. to make Entry of ye Tobacco Ships Sloops & other Vessells when the said Collects. are absent from their ordinary Residence Be it Enacted by the Authority aforesaid & it is hereby Enacted, That every Collect. & Collects. & every other person or persons whatsoever they or any of them now have or which at any time hereafter shall have power & authority to Enter ye Tobacco Ships Sloops & other Vessells Shall by themselves & themselves or by some other fit & able person or persons to be deputed & constantly resident at & abiding at the places for the said Offices to be ready at all times duly to make Entry of ye Tobacco Ships Sloops & other Vessells.

Collectors to be constantly at their office ready to do their duty.

5th An Act for the Incouragemt. & Erecting of a Post office within this Country.

Expir'd.

Whereas the Erection & Establishment of a Post office within this Colony is conceived to be of Generall Concernment & great advantage for the Incouragemt & preservation of Trade & Commerce therein for the

Speedy & Safe dispatch may be had. & Whereas
their Maj.ties by their Letters patents under the
great Seale of England bearing date ye 17th
day of February in the Fourth yeare of their
Reigne have given unto Thomas Neale Esq.
his Heires &c. &c. & assigns full power & authority
to erect Settle & Establish within ye Limits
Forts of the Severall Islands Coasts and
plantacons in America ye offices or offices
for the receiving & dispatching away of
Letters & pacquets & to receive send and
deliver the same under such rates & sumes
of money as the planters or inhabitants
should agree to give or should be propor-
tionable to y.e rates for the carriage of
Letters ascertained in the Act of Parliamt.
for the Erecting & Establishing a Post office
to hold & Enjoy the same for the Terme of
one & twenty yeares under the yearly rent
of Six Shillings & Eight pence as by ye said
Letters patents relation thereunto being
had will more fully appeare.

It is therefore Enacted by the Governr.
Councill & Burgesses of this present Gen.ll As-
sembly & the authority thereof & it is
hereby Enacted, That if the said Thomas
Neale his Substitute Substitutes or De-
puty shall by Vertue of the said Letters pa-
tents Erect Settle & Establish in some
Convenient place within this Colony and
Dominion one Generall Post office from
whence all Letters pacquets whatsoever
may with Expedition be sent into any
part of this Colony & to every other place
whatsoever & at which said office all re-
turnes & answers may be received & shall
also in each County within this Colony Settle
& Establish one or more Post office or Post
offices as in this Act hereafter provided
shall & may be Lawfull to & for the
said Thomas Neale Esq.r his Substitutes &

if a post office be erected.

Deputies by Law Hereunto Sufficiently Authorized to demand Leave receive & take For the Portage & Conveyance of all Such Letters &c. Or Else or they Shall Refuse to Convey Carry or Send Post According to the Several Rates & Sums of Current Money hereafter mentioned Not to Exceed the Same That is to Say. For the Port of every Letter not exceeding one Sheet to or from any place not exceeding four score Englis Miles distance from the place where Such Letter Shall be Received three pence & For the like Port of every Letter not Exceeding two Sheets Six pence And For the like Port of every Packquet of Letters proportionable unto the said Rates, that is to Say. For every Sheet exceeding two Sheets to advance three pence & not more & For the like Port of every Packquet of Writings Books & other things after the Rate of twelve pence For every Ounce Weight & For the Port of every Letter not Exceeding one Sheet above the distance of four score Englis Miles from the place where the same Shall be Received four pence half penny. & For the like Port of a Letter not exceeding two Sheets Nine pence & proportionably to rate For the like Port of all packquets of Letters. That is to Say. For every Sheet exceeding two Sheets to advance four pence half penny & not more. And For the like Port of every Packquett of Writings & other things after the Rate of eight pence For every ounce weight. provided always That all Merchants Accots bills of Exchang Invoyces & bills of Loading and Shall hereby be understood to be allowed at the Rate & price of double Letters & Shall be Understood to be allowed to pass at the Same Rate & payment. provided always That Nothing in this present Act Contained Shall Extend to restrain any Merchants Masters or others From Sending any Letters or Packquetts to or From this Colony by any

the Rate for conveying Letters.

Merchts. Accts. & Exchts. to be rated as double Letters.

Letters may be sent by particular persons vpon Landing this act.

Masters of Ships or other Vessells or by any other person or persons w.ch Such Merchants masters or others will Specially imploy or Intrust for the Carriage of the Same accordeing to the respective direction provided Likewise that all Letters Subscribed for their Majes Countrys Service Comonly Called State Letters which are usually Carryed Postage free in England Shall pass free throughout this Colony. provided Likewise, that if the: Noble his Exc: Lieut. or any Magistrate or other person or persons for the time being Shall Nominate, Make or Write from time to time upon the or their receit of any Letter or pacquett which Shall be directed into this Colony from England or any other parts or from any parts or places within the same Cause the said Letter, or pacquett to be forthwith dispersed Carryed & delivered in the Severall parts of this Colony as they Shall be directed & from time to time as he or they or any of them Shall Collect or receive any Letter or pacquett to be Sent from this Colony for England Shall dispatch & Send away the Same by the first Ship that Shall be bound for any part of England, to be there delivered to the next Deputy Post master & when any Letters & Packetts Shall be directed from this Colony to Some other forreign part, that he or they Shall dispatch & Send away the Same according to their respective direction by the first Conveniency of Carriage or Conveyance thereof. and that those Services Shall be performed with Care & without any Neglect or Delay at the rates & price to be forementioned provided Likewise that all publique Orders which the Governor, Councill & other their Majes: officers for the time being Shall Issue out from time to time for the Immediate Service of their Majes: this Country Shall be dispatched & distributed by the a

Letters may be sent by particular persons vpon Landing this act.

Stale Letters to be sent free.

Postmaster to dispatch away Letters without delay & neglect.

Pubc. Orders of Govr. Councill & other officers to be dispatched

respective Post officers within this Colony w:th out any Charge provided likewise that the said Thomas Neale Esq.r his Substitute or Deputies shall at their own proper cost & Charges Erect Settle Establish or cause to be Erected Settled or Established one or more post offices or Post-offices in every respective County of this Colony at the most Convenient places of the same, Except always out of this Act Letters of Masters of Merchants which shall be sent by any Master or of any Ships Barques or any other Vessells of Merchandize or by any other person Employed by them for the Carryage of such Letters aforesaid according to their respective Directions Also except Letters to be sent by any private Friend or Friends in their ways of Journey or Travell or by any Messenger or Messengers Sent on purpose for or concerning the private Affairs of any person or persons whatsoever. provided alwayes that this Act shall Continue in force for & during the terms granted by their Majesties Letters patent to be Expected unto Thomas Neale Esq.r his Executors Administrators & assigns under the great Seale of England bearing date the 17.th day of February in the 4.th years of their Reign and no longer.

without charge.

Post Offices to be erected in every County.

particular Letters excepted out of this Act

How long this Act to continue in force.

Vide # Laws Book, 153.

## At a Generall assembly

Begun at James City the 10.th day of October in the fifth years of the Reign of our Soveraign Lord & Lady William & Mary by the Grace of God of England Scotland, France & Ireland King & Queen Defender of the Faith &c. Anno Dom. 1693.

## 2.d An Act for the Encouragement of the Manufacture of Linnen Cloth

Be it Enacted by the Governor Council & Burgesses of this present Gen.ll Assembly & it is hereby Enacted that the said

Expired.

of the Peace of every respective County within this Colony do Annually in November or December meete at their Vsuall places of Holding Court and then & there Nott apponit & Establish three Seuerall & Distinct Rewards to be Giuen on the Inhabitants of their Seuerall Counties & to be disposed of by the said Justices as an Encouragement to such person or persons who Shall produce to the Justices at the Court for Laying the Levy the three best peices of Linnen of their own making to Contain in length fifteene Ells at least three quarters of a yard Wide provided the Reward exceede not Eight Hundred pounds of Tobacco & Caske for the first peice Six Hundred pound of Tobacco & Caske for the Second peice & Four Hundred pound of Tobacco & Caske for the third peice & Whereas to Continue in force Six yeares & no longer.

encouragemt for Linnen cloath

2. & 3.

Reward limited.

how long this Act to continue in force.

An Imposition on Skins & furrs.

What it is.

4th An Act Laying an Imposition upon Skins & Furrs for the better Support of the College of William & Mary in Virginia

Be it Enacted by the Governr Councill and Burgesses of this present Gen: Assembly & it is hereby Enacted That from & after the first day of January next there Shall be Raised & paid to their Maj: Heirs Heires & Successors for & towards the better Support & Maintenance of the College of William & Mary in Virginia Speedily intended by God Grace to be Erected & Made Plantation within this Government the following duties & Impost for the following Goods Wares & Merchandizes & Shall be Exported & Carryed out of this their Maj: Dominion either by Land or Water (that is to say) for every raw hide three pence. for every Tanned hide Six pence, for every dressed Buckskin one penny three farthings. for every undressed Buckskin one penny. for every Doe Skin dressed one penny halfe penny, for every undressed doe Skin three farthings, for every pound of Beaver three pence. for every other Skin two pence for

every Wildcatt Skin one penny half penny, for every Mink Skin one penny. For every Fox Skin one penny half penny. for every dozen of Raccoons Skins three pence & so proportionably for a greater or lesser quantity. For every dozen of Musk-pate Skins two pence, & so proportionably for a lesser or greater quantity & for every Elk Skin four pence half penny. And Be it Enacted by the authority aforesaid & it is hereby Enacted, That the said Dutie's Customs & Impost shall be paid satisfyed by the person or persons Exporting or Carrying out the same either by Land or Water to the Collector or Collectors which shall be appointed by the Governor or Commander in Chief for the time being to receive the said Dutie's, Customs & Impost before the said Goods Wares or Merchandize shall be shipped off, Exported or carryed out of & from the Dominion either by Land or Water. And a Certificate thereof obtained from the Collector or Collectors of the district where such Goods Wares & Merchandize shall be so exported or carryed away, signifying the payment & Satisfaction of such Dutie's, Customs & Impost aforesaid under the penalty of forfeiting such of the said Goods Wares & Merchandize which shall be shipped off or loaden on board of any boat, Sloop Ship or other Vessell in order to the Exportacon thereof by Water or endeavoured to be carryed out of this Country by Land, the one moyety thereof to their Majesties, their heirs & Succes. to & for the better support of the Government & the Contingent Charges thereof, the other moyety to him or them that shall sue or prosecute for the same in any Court of Record within this Colony By action of Debt, bill plaint or Information wherein no Essoign, protection or Wager of Law shall be allowed. And Be it further Enacted, that the Severall Collectors or officers appointed to Collect and receive the said Dutie's, Customs & Impost

exporters to pay their dutys & to whom.

penalty for not paying it.

Collectors to be accountable to the Court of the College.

That Frontiss to this bee accounted & pay the Same to the Governr. of the said College of William & Mary or such other person or persons as Shall be by Him Law Duly Deputed, & that for the receiving & paying there of the said Collector or Collectors Shall be allowed Ten p Cent.

# At a Generall Assembly

Begun at James City the 18. day of April in the Seventh years of the Reign of our Soveraign Lord & Lady William & Mary by the Grace of God of England, Scotland ffrance & Ireland King & Queen Defenders of the ffaith, &c. Anno Dom. 1695.

Private Act

## An act for Inlarging the bounds of Princess Anne County.

Forasmuch as the Division of Lower Norfolk County into Norfolk County & Princess Anne County by reason of Misrepresentation to the Assembly begun at James City the 16. day of April 1691. appeared to bee unequally assigned & made of which the Inhabitants of Princess Anne County & of that part of Norfolk County which belongs to Lynhaven parish have made Complaint to this Assembly & desired therein to bee redressed. Bee it therefore Enacted by the Governr. Council & Burgesses of this present Assembly & it is hereby Enacted by the authority thereof. And it is hereby Enacted that the bounds of Princess Anne County be inlarged & extended unto the utmost bounds of Lynhaven parish. And that the respective Inhabitants Dwelling in that part of Lynhaven parish which by the 20. act of Assembly 1691. Intituled an act for Dividing Lower Norfolk County is taken within the bounds of Norfolk be reputed or Deemed accounted taken & used for Inhabitants of Princess Anne County and as Such be Constantly reckoned the Tithables of the said County & make their payments accordingly Any Law Usage or Custome to the Contrary Notwithstanding.

bounds of Princess Anne County.

5. An act for Reviving the 17th Act of Assembly made at James City the 16th day of April 1691 & for ascertaining the Size of Tobacco Hogsheads. Expir'd.

Forasmuch as the Seventh Act of Assembly made at James City the 16th day of April 1691 Entituled an Act Reviving the Sixth Act of Assembly made at James City the twentieth of October 1686. Regulating the Size of Tobacco Hogsheads hath been found very advantagious & Necessary for prevention of fraud & abuse in the Size of Tobacco Hogsheads & damage that may accrue from unsatisfied Inferior & Slight Staves. Be it therefore Enacted by the Governor Council and Burgesses of this present Gen: Assembly & the Authority thereof. And it is hereby Enacted that the said Seventh Act of Assembly in all its parts & Clauses as well such as relate to the said Sixth Act of Assembly made at James City the twentieth day of October 1686. as otherwise be from henceforth revived & put in force. And for the future ascertaining the Size of Tobacco Hogsheads Be it further Enacted by the Authority aforesaid That the Certain Size of every Tobacco Hogshead be as followeth, that is to say. in the length of the Staves forty eight Inches & no more. and in the Diameter of the head thirty Inches & no more. And whatsoever Cooper or Coopers shall make Tobacco Casks Contrary to this Act if he be a Freeman. In Case he be not he Master or Mistress or whatsoever planter or other person shall pay away or put to Sale or put on board any Boat. Sloop Ship or other Vessell in order to Exportation any Tobacco what soever packed in Casks of a greater size than is herein Expressed & Be it Enacted. Such Cooper planter or other person shall for every Tobacco Hogshead so made paid away put to Sale or Shipped forfeit & pay the Sum of five hundred pounds of Tobacco. one moyety thereof to our Soveraign Lady the King & Queen

Size of a Tob. Hhd

Coopers making y.m bigger & planters paying away packing or shipping bigger Casks.

500 lbs. of every Hhd.

Collectors to be accountable to the Court of the College.

Ordered that Cramtine to this Court be accomptable for soe much Money as shall come to his Hands for the Governors of the said College of William & Mary or such other person or persons as shall be by Act of Law Lawfully Deputed, & that for his receiving & paying Moneys of the said Collector or Collectors shall be allowed Ten p Cent.

# At a Generall Assembly

Begun at James City the 18th day of April in the Seventh years of the Reign of our Soveraign Lord & Lady William & Mary by the Grace of God of England, Scotland France & Ireland King & Queen Defenders of the Faith, &c. Anno Dom. 1695.

Private 24th An act for Inlarging the Bounds of Prince Ann County.

Forasmuch as the Division of Lower Norfolk County into Norfolk County & Prince Ann County by reason of Misrepresentation to the Assembly begun at James City the 16th day of Apr. 1691. appeared to be unequally assigned & made of which the Inhabitants of Prince Ann County & of that part of Norfolk County which belongs to Lynhaven parish have made Complaint to this Assembly & desired therein to be redressed. Be it therefore Enacted by the Governor Council & Burgesses of this present Assembly & it is hereby Enacted by the authority thereof. And it is hereby Enacted that the Limits & Bounds of Prince Ann County be inlarged & extended unto the utmost bounds of Lynhaven parish. And that the respective Inhabitants dwelling in that part of Lynhaven parish which by the 20th Act of Assembly 1691. Intituled an act for Dividing Lower Norfolk County is taken within the bounds of Norfolk be-hereafter Deemed accounted taken & held for Inhabitants of Prince Ann County And as such be Constantly reckoned the Titheables of the said County & make their payments accordingly Any Law Usage or Custome to the Contrary Notwithstanding.

bounds of Prince Ann County.

5. An Act for Reviving the 7th Act of Assembly made at James City the 16th day of April 1691. & for ascertaining the Size of Tobacco Hogsheads. Expir'd.

Forasmuch as the Seventh Act of Assembly made at James City the 16th day of April 1691 Entituled an Act Reviving the Sixth Act of Assembly made at James City the twentieth of October 1686. Regulating the Size of Tobacco Hogsheads hath been found very advantagious & safe for prevention of fraud & abuse with the Size of Tobacco Hogsheads & damage that accrew from unsatisfied Inspection & Slight Stavos. Be it therefore Enacted by the Governr. Council and Burgesses of this present Genl. Assembly & the Authority thereof. And it is hereby Enacted that the said Seventh Act of Assembly in all its parts & Clauses shall be Ratified to the said Sixth Act of Assembly made at James City the twentieth day of October 1686. & all other wise to be from henceforth revived & put in force. And for the future ascertaining the Size of Tobacco Hogsheads Be it further Enacted by the Authority aforesaid That the Certain Size of every Tobacco Hogshead be as Followeth, that is to say. in the length of the Staves forty eight Inches & no more. and in the Diameter of the head thirty Inches & no more. And whatsoever Cooper or Coopers shall make Tobacco Casks Contrary to this Act if he be a Freeman. In which case he and his master or mistress or whatsoever planter or other person shall pay down or put to sale or put on board any Boat. Sloop Ship or other Vessell in order to Exportation any Tobacco whatsoever packed in Casks of a greater Size than is herein Expressed & Set downe. Such Cooper planter or other person shall for every Tobacco Hogshead so made paid away put to sale or Shipped forfeit & pay the Sum of five hundred pounds of Tobacco. one moyety thereof to our Soveraign Lord & Lady the King & Queen

Size of a Hogshead

Coopers making bigger & paying away packing or shipping bigger fined.

500 lbs. of Tobo. each Hh.

their heirs & Successors Lords & Proprietors for the better Support of this Government & his Contingent Charges thereof & his other moyety to him or them, that shall Sue for the same in any Court of Record within this Country by Bill Information plaint or other action wherein noe forreign protection or Wager of Law shall be allowed. And Be It Enacted, that this Act Continue in force Seven years & noe longer.

Lrima fol 181

# An Act for the Assembly

Begun at James City the twenty fourth day of September in the Eight & Twentieth yeare of the Reign of our Soveraign Lord William the third, by the grace of God of England, Scotland France & Ireland King Defender of the Faith &c. Anno Dom. 1696.

## An Act for punishment of Fornication & Severall other Lewd and Offences.

Whereas there are Severall many Laws now in force for the suppression of the Sinns of Swearing, Cursing, prophaneing God's holy name, Sabaoth abuseing, drunkenness, Fornication & adultery, which have not had their desired effect, by reason that some of the same Laws seems to be Contradictory to each other, for the better regulation whereof for the future & the better to prevent & deter all offenders from the said offences & sinns, Be It Enacted by the Governor, Councill & Burgesses of this present Gen. Assembly, and the Authority thereof and it is hereby Enacted that the Ninth Act of Assembly in the printed books Entituled, Sundayes not to be prophaned, and the Thirtyeth Act of Assembly in the printed books, Entituled, Churchwardens to make presentments, and the hundredth Act of Assembly in the printed books, Entituled, an Act against fornication & the twelfth Act of Assembly made the 23. of December 1662. Entituled, an Act for Molatto Children being Come

Severall acts repealed.

or Lyes according to the Condition of the Inst Act
And the Eleventh Act of Assembly made at James
City, 1691, Intituled, an Act for the more effec-
tuall Suppressing the Severall Sinnfull Offences
of Swearing, Cursing, prophaneing Gods Holy
Name, Sabaoth abusing, Drunkenness, Fornica-
tion & Adultery, & every Clause Article in
the said Acts Contained, Shall be and hereby
Repealed, made void, Null & of noe effect to
all Intents, Construction & purposes as if the said
Acts had never been made, And Be it further
Enacted by the Authority aforesaid, & it is
hereby Enacted, that noe person or persons
Shall from hence forth Swears, Curse or pro-
phane Gods Holy Name, And that if any Swearing
person shall hereafter offend therein, & shall
thereof be Lawfully Convicted by the Oathes of
two Witnesses or by Confession of the party, that
every such offender shall forfeit & pay for
every such offence the Sum of Sixteen Shillings.
And for the prevention of Sabaoth breaking
Be it further Enacted by the Authority afore-
said, that noe Shall or noe unlawfull meet-
ings or assemblys of People on the Lords day
& that noe person or persons whatsoever shall
Travell upon the said day, & that noe other
thing or matter whatsoever Shall be done
upon that day tending to the breach of Sabaoth
but that the same in all respects be kept holy,
upon paine that every person or persons soe offend-
ing & being Convicted as aforesaid, Shall forfeit
& pay for every such offence, the Sum of Twenty
Shillings or two hundred pound of Tobacco at
the Election of such offender or offenders And
for the Suppression of Drunkenness, Be it
further Enacted by the Authority aforesaid
that all & every person or persons who Shall
from hence forth be Drunk & of the same
offence of Drunkenness Shall be Lawfully Con-
victed as aforesaid, Shall forfeit & pay
the Sum of Ten Shillings or one hundred pounds
of Tobacco at the Election aforesaid. And if

Swearing &c.

penalty for it.

breach of the Sabaoth

penalty for it.

Drunkenness

penalty for it.

the offender or offenders in any of the aforesaid Vices be not able to pay the fines for soe=
=ture by aforementioned, then every such
in case of the offenders offender or offenders therein shall be Committed
disability to pay the fines. to the Stocks, for every such offence, there
what to be done. to be remaine for the space of two full
houres. And for the more effectuall suppres=
=sion & prevention of the sinne of fornica=
=tion & Adultery, Be it further Enacted
by the authority aforesaid that every Person
fornication. or Persons Committing fornication, being
thereof Lawfully Convicted by the Oath of
two Witnesses or by Confession of the party shall
penalty for it. for feit & pay the Sume of five hundred pounds
of Tobacco & Caske, for every time soe offending
Adultery. And that every person or persons Committing
Adultery & being thereof Lawfully Convicted
penalty for it as aforesaid shall for feit & pay for every
such offence, the Sume of One thousand pounds
of Tobacco & Caske. And if the offender or offen=
=ders in any or both the aforesaid two Insta
ces, be not able to pay the Fines &
in case of offend^rs Forfeitures for the said offences mentioned,
disability -- the then every offender or offenders therein, shall
punishment. for every time soe offending receive on his,
her or their bare back twenty five Lashes
well laid on, or two months Imprisonment
without Bail or Mainprise. And if they or
either of them Committing fornication as afore=
=said Servants, then if the master or mistris of
such Servant or Servants soe offending, or any
Serv. master or other person doe pay the aforesaid five hundred
other paying his pounds of Tobacco, the said Servant in Compen
fine. =sation therefor shall serve their Master a year
Serv. to serve for after the time by Indenture or Custome is ex
if ½ a year. =pired. And if the Master or any other person
doe not pay the said Fine, the said Servant
shall receive upon his or her bare back
twenty five Lashes well laid on. And if it happen
that a Bastard Child be gotten in such fornica=
=tion, then the Servant if a woman in Ward

of his Loss & trouble her master or mistris shall incur by her having a bastard, shall serve one year after her time by Indenture or Custom is expired or pay one thousand pounds of Tobacco to her master or mistris besides the fine or punishment for Committing the offence. And the reputed father to put in security to keep the parish harmless.

Serv. having a bastard to serve a year.

And Be it further Enacted by the Authority aforesaid, That the Grand Jurors & Churchwardens & each of them of every respective County & parish within this Dominion do twice every year make due presentments of all & every offences Committed & perpetrated Contrary to this Act. And that the Justices of the said County are by Vertue of this Act Impowered to punish the offender or offenders accordingly. All which fines & forfeitures shall be appropriated to the use of the parish for their pious uses towards the maintenance of the Minister where such offence or offences shall be Committed, which fines & forfeitures shall or may be recovered by the Churchwarden or Churchwardens of any parish or parishes by Action of Debt, Bill, Plaint or Information in any Court of Record in this Dominion, in which no Essoign, protection or Wager of Law shall be allowed. And Be it Enacted [redacted] by the Authority aforesaid, & it is hereby Enacted & Declared That all Children born in this Country be bond or free according to the Condition of the Mother.

Grand Jurors & Churchwardens injoined to make presentments.

fines & forfeitures are to be appropriated.

Children born here to be bond or free according to the Condition of the mother.

Private

## 2d. An Act for altering the Court days in Accomack County.

Whereas the fifth Act of Assembly made the twentieth day of October 1686. Intituled an Act for ascertaining days for Courts in Accomack County is found very Inconvenient & Injurious to the Inhabitants of the said County of Accomack who desire that the said Act may be repealed. And that another Law may be

made more Suitable to their Convenience
Be it Enacted by the Governor Council & Burgesses of this present Gen. Assembly and the Authority thereof and it is hereby Enacted, That the said Act & every Clause & Article therein Contained be Repealed and they & every of them are hereby repealed & made Null & Voyd. And it is further Enacted by the Authority aforesaid, That for & future the Court for the said County of Accomack be Constantly held by the Justices thereof on the first Tuesday of the month in such manner as by the Law of this Country is provided & Ordered by their Commission directs Any Law Usage or Custome to the Contrary Notwithstanding.

time of holding Court in Accomk. County.

3d. An Act Giving a Reward to Indians for Killing of Wolves.

Whereas the first Act of Assembly made at James City the 16th day of April 1691. Entituled, An Act Giving Reward for Killing of Wolves, hath been Variously Construed, some County Courts having) allowed the Reward therein mentioned & other County Courts not Rewarded at all, unto Indians who have killed Wolves, for prevention of the like Mistakes for the future, And to the End Indians may be also encouraged to use their Endeavour to destroy those Injurious Creatures. Be it Enacted by the Governour Council & Burgesses of this present Gen. Assembly and the Authority thereof & it is hereby Enacted, That every Indian who shall kill & destroy Wolves by any way or means whatsoever, Shall for every Wolf so killed be paid in the County where the same is done One hundred pounds of Tobacco & Cask for this Encouragement & Reward, & no more, any Law Usage or Custome to the Contrary notwithstanding, provided allways & it is the true

Indians Reward for killing wolves.

intent & meaneing of this Act That whatsoever Indian shall kill a Wolfe, shall bring in the head of the said Wolfe to a Justice of the Peace, and by some proofe or Circumstance satisfy the discretion of the Justice, make it probably appear how, when, & where he killed the said Wolfe, and also take from the said Justice of peace a Certificate thereof, which being produced to the County Court at proportioning the levy shall be sufficient to cause the said Court to lay upon the County the said Reward to be paid to such Indian as by such proofe shall deserve it. And to the end no fraud may be put upon any County by means of an Indian killing a Wolfe in one County & bringing his head to another County for allowance. Be it enacted by the Authority aforesaid. And it is hereby enacted, That it shall & may be lawfull for every Justice of the Peace to whome such Indian shall make application for a Certificate upon the least suspicion he hath of a fraud, to forbear giveing the same, untill the Indian can bring him sufficient Testimony to convince him that he killed the Wolfe in the County where he makes the Clayme.

## An Act for Repealing the Prohibition of planting Tobacco after the last day of June Annually

Forasmuch as the prohibition of planting or replanting Tobacco after the last day of June in every yeare is provided by a Clause or Section of the Seventh Act of Assembly made at James City the twentieth day of October 1682. Intituled an Act declareing the 10th Act of Assembly made the 23d day of March 1661 to be in force, hath been found to bring great hardships upon some part of this his Majesties Dominion, and not to have the good effect which was Generally Expected from it Be it therefore Enacted by the Governor Councill and Burgesses of this present Gen. Assembly &

the Authority Thereof And it is Hereby Enacted That the said Cause or Sections of the said Act which prohibit the planting or Replanting of Tobacco directly or indirectly after the Last day of June Annually under the paine & penalty of forfeiting & paying Ten thousand pound of Tobacco for Notwithstanding, be from=henceforth Repealed, Annulled & made utterly Voyd, And, That it be Law Full for every person or persons within this his Majtis Colony & Dominion, to plant or Re=plant Tobacco at any time, as if no such Restraint or prohibition of planting or Replanting Tobacco had ever been made

Law full to plant tobacco at any time

5th an act for ascertaining Damages upon appeales.

Whereas the Act already made Giveing damages upon appeales Doth admitt of Diverse Construc=tions, for ascertaining of which & for Re=medy whereof for the future, Be it Enacted by the Governor, Councill & Burgesses of this present Gen: Assembly, And the Authority Hereof It is Hereby Enacted, that the 26. Act of Assem=bly in the printed books, Intituled, appeales how to be made. And the third Act of Assem=bly made at James City the 17th day of September 1668, Intituled, an Act Concerning Damages in appeales & every Cause & Article in the said Acts Contained, Be from hence forth Repealed & made Voyd to all Intents, Con=structions & purposes, as if the said Acts had never been made, any thing in the said Acts to the Contrary Notwithstanding. And Be it further Enacted by the Authority aforesd And it is Hereby Enacted that in all appeales to the Generall Court from the Judgment of any County Court or Courts, where the appellant shall be Cast in such appeals, & the County Court Judgment by the Generall Court [redacted] # Curiae, the appellant soe Cast for Dilatations appeale Suit, Shall pay to the Appellee Costs & Damages upon the principall Debt

Damages on appeales what.

Damages & Cost of the County Court which shall be taxed in the bill of Costs & levied by Execution with the principall Debt Damages & Costs of Suit And Be it further Enacted by the Authority aforesaid, And it is hereby Enacted, that the the County Courts within their respective County shall not admitt of any appeals to the Generall Court without the party appealing doe Enter into bond with good & Sufficient Security to the Appealee to appear & prosecute the said Appeale at the said Genll Court & to stand & abide the award & Judgment of the said Court & pay the said Damages & Costs & ten per Cent upon the principall Debt Damages & Costs in the appeale. And Be it further Enacted by the Authority aforesd. And it is hereby Enacted, that noe person or persons shall Commence any action or suit against any person or persons whatsoever to the Gen.ll Court for any Sume or Sumes under the value of two thousand pound of Tobacco or Tenn pounds Current money, upon the penalty of paying the Nonsuit and such Damages as are imposed by the Seventh Act of Assembly made at James City the 3.d of October 1670 Entituled, an act Concerning Litigious Suits.

Appellants to give Security.

no action to brought to y.e Gen.ll Court forlesse then 2000 lbs. or 10£.

## 9.th Act for Imposing Penalties upon the Non appearance of Evidences.

Whereas many Causes of great Consequence depending in Courts of Judicature between partie & parties are utterly lost for Want of appearance of Evidences and the Kings Process of subpena Contemned. Be it Enacted by the Governour Councill & Burgesses of this present Gen.ll Assembly & the Authority thereof. And it is hereby Enacted that the Clause of the 30.th Act of Assembly in the printed book Entituled, penalties for Non appearance of Evidences, relating to the penalties for

of ye non appearance of Evidences, be from hence forth Repealed, made Null & Voyd & the said Cause shall never be heard. And Be it further Enacted by the Authority aforesaid And it is hereby Enacted & Declared That if any Witness or Witnesses being Lawfully Summoned by Subpœna to any Gen. Court Do not make his or their personall appearance at the Generall Court at the time in the Writt mentioned to Give his or their Evidence & likewise Give his or their attendance at the said Court Shall Plaintiff or Plaintiffs, in the Tryall of the said Cause or Causes, he or they so offending shall be fined and ammerced to our Soveraign Lord the King the Sume of One Thousand pound of Tobacco for the Contempt of such Process (unless he the said Offender Shall appear at the next Gen. Court & Shew good Cause for his non appearance) and shall be Liable to pay all such Damages as by the Comon Law & Custom, to the party Injured for want of such Evidence. And Be it further Enacted by the Authority aforesaid, And it is hereby

Witnesses not appearing at Gen. Court.

fined. 1000 lb Tob.

Witnesses not appearing at the County Court fined.

350 lb Tobacco

Enacted, That if any Witness or Witnesses Lawfully Summoned by Subpœna to Give Evidence upon any Dedimus Potestatem, Do not appear at the time & place in the Subpœna mentioned, he or they so offending, if the Cause for which the said Dedimus Potestatem is issued be depending in the Gen: Court, Shall be fined & amerced to our Soveraign Lord & King the Sum of One Thousand pounds of Tobacco for the Contempt of such Process (unless he Shall appear at the next Gen: Court & Show good Cause for his said non appearance) And if in the County Court, the Sum of three hundred & fifty pounds of Tobacco for the Contempt of such Process (unless the said Offender Shall appear at the next County Court and Show good Cause for his said non appearance) And Shall be Lyable to pay all such Damages as by the Custom Law shall be given to the party Injured for want of such Evidence.

Witnesses upon a Dedimus not appearing fined.

## 7th An act Declaring how long Judgm:ts and Specialties Shall be pleadable.

Whereas the Laws now in force for the Limitation of Actions & Suits upon Bylls & bonds do admitt of many Doubts & Ambiguities in the Construction thereof. for the better Explanation whereof for the future, Be it Enacted by the Governour Council & Burgesses of this present Gen: Assembly and the Authority thereof, And it is hereby Enacted, That the Eighty first Act of Assembly in the printed Books Entituled, Judgments & Specialties how long pleadable, & every Clause & Article thereof be from hence forth Repealed & made voyd to all Intents, Constructions & purposes as if the said Act had never been made; And Be it further Enacted by the Authority aforesaid And it is hereby Enacted, That no Bylls or bonds Shall be of force or recoverable by any action or actions above the Space of five years after the Date of the

Bylls & bonds how long in force.

said bylls or bonds if noe time of payment be therein expressed, but if any time or time for payment be therein expressed, then ye said bylls or bonds shall be inforced five yeares after the last time of payment in ye. said bylls or bonds expressed & mentioned & noe longer. And Be it further Enacted by the Authority aforesaid And it is hereby Enacted, that noe judgment or judgments obtained in any Court shall be of force any further or longer time then Seven yeares after the date of ye. said judgments or after that ye. same shall been renewed by writt of scire facias, provided allway & And it is the true intent & meaning of this Act that this Act nor any thing therein Contained shall be Deemed or taken to extend to ye. Limitting or annulling any bond or obligations for the performance of Covenants but that the said bonds & obligations shall be inforced & recoverable five yeares after ye. breach of the Covenants in the Condition of ye. said bonds or obligations Contained, any thing in this Act to the Contrary Notwithstanding.

judgments how long in force.

bonds for performance of Covenants how long in force

provided likewise that if the Debtor or obliged or doe privately depart this Country or the County where he resided & dwelt & Contracted such Debt or Debts, & leaves not sufficient estate in the County where he resided or Contracted such Debt or Debts, or where such judgment or judgments were obtained against him, to satisfy ye. same the said bylls, bond or judgment shall remain and be inforced and recoverable Notwithstanding the said five or Seven yeares be Expired and past, any thing in this Act to the Contrary Notwithstanding.

a. proviso when a debtor privately leaves the County &c.

8th **An Act** for Ascertaining the Place where the Court for Yorke County shall be kept. Private

Forasmuch as upon the Complaint of diverse Inhabitants of Yorke County it hath been made appear to this Assembly, That the place where the Court for the said County hath usually been held & kept is very inconvenient and remote to a great part of the Inhabitants of the said County And may be appointed Elsewhere to the greater ease & advantage of the people in Generall. Be it therefore Enacted by the Governour Councill & Burgesses of this present Gen: Assembly. And the Authority thereof. And it is hereby Enacted That from & after the last day of October which shall be in the yeare of our Lord one Thousand six hundred Ninety & seven. The Court for Yorke County be constantly held & kept by the Justices upon those days & in due & usuall manner as the Courts of this Country & the Governo: Commission shall from time to time provide & direct within the Limitts & bounds of a certain parcell or tract of Land &c. w:h by vertue of the eight Act of Assembly made at James City the 16th day of April 1691. Entituled an act for Settling &c. was designed and laid out for the now County called Yorke County. Any thing therein or in any other Act or Acts to the Contrary Notwithstanding. And to the end due provision may be made for keeping the said Court according to the said Act Be it Enacted by the Authority aforesaid And it is hereby Enacted, That the Justices or Members of the said County Court to the Court that now is shall build & erect a Court house of such dimensions & forme as they shall think fitt to hold Court in & of Brick in Dimension at least as the present Court house now is, to be erected built & finished at the Charge of the County upon some certain place within the said Limitts of Yorke

place where Yorke County Court is to be held

Justices to provide a Courthouse.

Towne, betweene the End of this Session of Assembly & the said last day of October 1697. upon paine that each respective Justice or Member of the said Court for the Default shall forfeit the Summe of fifty pounds Sterl. One Moiety thereof to our Soveraign Lord the King his Heires & Successors for & towards the better Support of the Government & the Contingent Charges thereof and the other Moiety to the Informer to be Recovered by Action of Debt bill plaint or Information in any Court of Judicature within this Colony.

penalty.

9th **An Act** for Ascertaining the Gage of Pork, Tarr & other Barrells.

Whereas many Frauds & Abuses have been Comitted & doe daily Injuriously to the Trade of this Dominion by reason that Pork Beef & Tarr Barrells have not a Gage Certained by Law, for the prevention Wherefor for the future, Be it Enacted by the Governour, Councill & Burgesses of this present Generall Assembly & the Authority thereof, And it is hereby Enacted, that from & after the twenty Ninth day of September next every Beef, Pork & Tarr barrell, that shall or may hereafter be Shipped off for Exportation, or that shall be putt to Sale to any person or persons in this Dominion, shall hold & Contain att least the quantity of Thirty Gallons, And Be it Further Enacted by the Authority aforesaid And it is hereby Enacted, That if any Cooper or Coopers or any other person or persons after the 29th day of September next, shall make or sett up any barrell or barrells for Pork or Tarr or any other thing of a less Gage or Dimension than to hold & Contain the quantity of Thirty Gallons a barrell, & if any person

gage of pork & Tarr barrell

30 gallons.

Coopers making short Cask.

or persons Shall Export or put to Sale any Barrell or Barrells other than of the Gauge Dimentions aforesaid He or they soe marking & putting up or Exporting or putting to Sale any Such Barrell or Barrells Shall forfeit & pay for every Barrell soe made or put up, Exported or put to Sale, the Sum of five pounds Current money Indemnity to our Soveraign Lord the King, his heirs & Successors towards the better Support of his Government & the Contingent Charges thereof, the other moyety to him or them that Shall Sue for the same by Action of Debt, Bill, plaint or Information in any Court of Record in this Dominion in which no Essoign, protection or Wager of Law Shall be allowed. And Be it further Enacted by the Authority aforesaid, and it is hereby Enacted, That the Justices of every County Court Shall & are hereby Impowered in their respective Counties where & when they shall think fit & Shall be thought necessary to Appoint and or more Packers to pack Porke & Beef in Barrells, & that every Packer Shall & may by virtue of this Act take & Demand the Sume of Six pence for every Barrell or Barrells soe by him packed, And if any Packer or Packers Shall pack any unwholsome meate or trash in any Barrell or Barrells or Shall pack any Meat in any other Barrell or Barrells, then of the Gage or Dimensions aforesaid. He or they for every Barrell so packed Shall forfeit & pay the Sume of five pounds Current money to be recovered & Divided as aforesaid. And Be it further Enacted by the Authority aforesaid. And it is hereby Enacted, That if any person or persons Shall fill up or put to Sale in any Barrell or Barrells as aforesaid any Pitch or Tarr not true made & merchantable, or which Shall be mingled with any trash or other thing. Then true made & pitch &

or other persons putting of Beef.

fined. 5 l Sterl.

County Court to appoint packers.

packers fee what.

penalty for packing contrary to this act 5 l. Sterl.

the barrell, or Round Tarr if it be tarr in ye barrell, and being there of Law fully Convicted, he or they so offending Shall for fail & loose the Said Pitch & Tarr & twenty Shillings for every barrell of Pitch, & ten Shillings for every barrell of Tarr so falsely made filled or put to Sale, to be recovered with Costs & Divided as aforesaid; And Be it further Enacted by the Authority aforesd and it is hereby Enacted, That the County Courts in their respective Counties aforesaid Likewise Impowered where they think it necessary to appoint a mark, which Shall be put by the said packer, upon every barrell so by them packed, to mark the said barrell therewith, as Likewise to mark upon the Said barrell or Barrells the just quantity & Content of the said barrell or barrells, upon the paines & penalties aforesaid to be Recovered & Divided as aforesaid.

penalty for filling up tarr & pitch falsely.

County Courts to appoint a Mark.

## 10th An act for prevention of Clandestine Marriages.

Whereas many great & Grievous mischiefs have arisen & daily doe Arise by Clandestine & Secret Marriages, to the utter ruin of many Heires & Heiresses, & to the great Grief of all their relations, And Whereas the Lawes now in force for the prevention of such Marriages Doe in Effect to small a punishment for soe Heinous & great an offence; Be it Enacted by the Governor, Council & Burgesses of this present Gen: Assembly, and the Authority thereof, And it is hereby Enacted, That the twelfth Act of Assembly in the printed books Entituled, None to be Married but by Ministers, nor by them but by Licence or publishing the Banns & every Clause & Article therein Contained, be from

after the Fourth day of November next Repealed
& made Void to all intents, Construction and
purposes, as if the said Act had never been made;
any thing in the said Act to the Contrary Not-
withstanding. And Be it further Enacted
by the Authority aforesaid, And it is hereby
Enacted, That noe Minister or Ministers
shall Frunish or for the Marry any person or
persons together as man & wife without
Lawfull Licence, or without thrice publica-
tion of the Bands according as the Rubrick
in the Comon Prayer doe prescribed, which
if omitted, That if the persons to be Married
Dwell in Severall parishes, the Bands must
be asked in both parishes, and that the Curate
of the one parish shall not Solemnize the
Matrimony untill he have a Certificate
from the Curate of the other parish, That the
Bands have been thrice published & no
Objection made against the parties Joyning
together, And if any Minister or Ministers
shall Contrary to this Act, without such
Licence or publication, Marry any person or
persons, he or they so offending shall for every
such offence be imprisoned the Space of one
whole year without Bail or Mainprize, and
shall Forfeit & pay the Sume of five hundred
pound Current money one moiety thereof
to our Soveraign Lord the King, his heirs &
Successors, toward the better Support of the
Government, & the Contingent charges thereof
and the other Moyety to him or them that shall
Sue or Informe for the Same, by action of
Debt, bill, plaint or Information in any
Court of Record in this Dominion, in which
noe Essoign, protection or Wager of Law shall
be allowed: And Be it Enacted by the Authority
aforesaid & it is hereby Enacted, That if the
Clerk of any County Court doe Grant any Cer-
tificate or Certificates to any person or persons

Ministers marrying &c. out Licence or Bands.

to be imprisoned and fined.

Act of a County Court granting Cert. for Marriage Licence without parents or guardians consent and forms of granting same without certificate.

Marriages

For any Licence or Licences for any Marriage or Marriages without the personall Consent of the Parent or Guardian, or Signified under the Hand & Seale of the said Guardian or parent, Attested by two Witnesses, or if any person or persons Do Grant any Licence or Licences for any Marriage or Marriages without such Certificate or Certificates, he or they so offending, Shall for every such offence forfeit & pay the Sume of five hundred pounds Current money, to be recovered & Divided as aforesaid, & be Imprisoned the Space of one whole years without Bail or Mainprize, And Be it Enacted by the Authority aforesaid & it is hereby Enacted, That if any woman Child or Maiden being above the age of Fourteen & under the age of Sixteen dy ears do at any time Consent or agree to such person that shee shall make any Contract of Matrimony without the Consent of the Parent or Guardian, or without publication of the Bands as aforesaid; That then the next of Kinn to the said Woman Child or Maid, to whome the Inheritance Should descend, Fall or come after the death of the said Woman Child or Maid, Shall from the time of such agreement assent hold, have & Enjoy all such Land, Tenement & Hereditiments as the said Woman Child or Maiden had in possession, reversion or Remaind or, at the time of such assent & agreement, & during such Coverture, & after the decease of the husband of the said Woman Child or Maiden, having soe Contracted Matrimony, That then the said Lands, Tenements & Hereditaments Shall descend, Revert & remains to such Woman Child or Maiden or such person or persons, as they Should have done, in case this Act had never been made.

to be fined & imprisoned.

A maiden under 16. marrying without her parents consent or cause. Bond.

to forfeit her Inheritance during her Coverture.

BBB, ma fol. 189

11th. An act for the better support and maintenance of the Clergy.

Whereas a Competent & sufficient provision for ye Clergy will be the only means to uphold & Continue in this Dominion with able, faithfull & orthodox Ministers, whose & by whose Glory of God may be advanced the Church propagated & the Gospel edified, and Whereas the Law now in force Intituled, Glebes to be laid out in making such provision doth found very deficient & uncertain, Be it Enacted by the Governour, Council & Burgesses of this present Gen.ll Assembly, & the Authority thereof, and it is hereby Enacted, that the said Recited Act of Assembly in the printed Book, Entituled, Glebes to be laid out, & every Clause, Article thereof be from hence forth Repealed & made void to all Intents, Constructions & purposes as if the said Act had never been made, Any thing in the said Act or in any other Act to ye Contrary in any wise Notwithstanding. And Be it further Enacted by the Authority aforesaid, and it is hereby Enacted, that all & every Minister & Ministers in all & every parish & parishes in this Dominion, now Compleat in ye sd parishes or parishes, & hereafter officiating as Minister or Ministers, shall have & receive for his or their Maintenance the Sum of Sixteen hundred pounds of Tobacco besides their lawfull perquisites. And that it shall & may be lawfull for the Vestry or Vestries of any parish or parishes and they are by virtue of this Act Authorized and Impowered to raise & levy the same in their respective parish or parishes, as also to levy five per Cent for the Collecting & paying the said Tobacco Convenient. And Be it further Enacted by the Authority aforesaid, That it shall & may be lawfull for the Vestry or Vestries of all & every parish or parishes to appoint the Churchwardens or such or whom they think fitt, to collect & receive ye Minister's & other parish dues. And the said person or persons so qualified as aforesaid shall & are hereby Impowered in case of refusal or neglect

Minister Maynte 1600 lbs

Vestry to levy 5 p Cent for Collecting.

Vestry to appoint Churchwardens or others to collect &c.

Churchwardens impowered to distrain.

to make distress for the Same. And be it
further Enacted by the Authority aforesaid &
that all & every Vestry & Vestries this Domi-
nion shall & are hereby Authorised & Im-
powered, where the Said Land is not already done
to purchase & lay out a tract of Land for a
Glebe at their discretion and at the Charge
of their respective parishes. And Likewise to
build & erect a Convenient Dwelling House
for the reception & abode of the Minister of
Such parish or parishes at the discretion of
the Said Vestry or Vestries. provided always &
it is the true Intent & meaning of this Act
that if any Vestry or Vestries of any parish or
parishes shall find their parishes to be so
small & poore as not to be able to allow &
maintain a Minister as aforesaid, that then
upon application of the Vestry or Vestries to
the Governour for the time being, that their
respective parishes may be united & con-
solidated to the next adjacent parish, the
said Governour is hereby desired to unite &
Consolidate the said parish or parishes. And
Whereas the Clerks of the Registers fees seemed
to be too small an incouragement for an
Office of so much trust, Be it Enacted
by the Authority aforesaid, & it is hereby
Enacted, that every Clerk of the Regist or
shall & may Lawfully by Vertue of this Act take
& Demand the Sum of five pounds of Tobacco
or Six pence for Recording & Registring every
Birth, Burial or Marriage. And the Church-
wardens of the said parish or parishes or any
other person or persons appointed by the Vestry
or Vestries, are hereby Authorised & Impowered
to Collect the Same. or in Case of non payment
to make Distress.

Vestryes impowered to purchase Land for a Glebe.

Upon application of Vestry Court is desired to unite parishes.

Fee for Registring.

Expir'd.

12th **An Act** for Regulateing & Ascertain-
ing County Court Clerks fees.

Whereas the fees of County Court Clerks are at
present Scanted & disproportionable to the Labour
of the Clerks for the true Knowledge whereof

ab thereof hath been occasion from time to time
all & every person & persons therein concerned
have been obliged not only to search
& look into the several Acts of Assembly re-
-lating thereto in particular, but also into
many Clauses & branches of other Acts wherein
only some particular Fee or Fees are appointed
And whereas through a misconstruction of what
the Laws relating to County Court Clerks Fees
do really intend, or an avaricious Humour
some there unto moving divers Clerks of County
Courts have for some time past charged Demand-
-ed & taken & do still continue to charge de-
-mand & take sundry unreasonable Fees. For
prevention of which Extortion for the future
& for regulating & ascertaining Fees to
County Court Clerks. Be it Enacted by the
Governour Council & Burgesses of this present
Gen. Assembly & the Authority thereof. And it is
hereby Enacted That so much & such a part
of all & every Act & Acts Law & Laws, here to for
-ore made & of all & every Clause Articles & paragra-
-ph of any Act or Acts Law or Laws, whereby
any Fee or Fees are appointed Given & allowed
to Clerk of County Court for any matter or
business or thing by them or any of them done
Be from & after the last day of November next
Repealed & made void. And that they & every
of them & every Clause Article & paragraph there-
-in contained so far as they or any way relate
to or concern such Fee or Fees. Do from the
said last day of November stand Repealed
Null & Void to all Intents & purposes as if such
Law or Laws Act or Acts Clause Article & and
paragraph had never been made Constituted
& Ordained. And Be it further Enacted by the
Authority aforesaid. That it is hereby Enacted
That from & after the said last day of November
next it shall & may be lawfull for all & every
County Court Clerk or Clerks of this his Majes-
-tie's Colony & Dominion to charge & demand &

all former Laws relating to County Clerks Fees. repealed.

For any business matter & thing by this said County Court Clerke or Clerks or any of them done and performed after this said last day of November all & every such Fee & Fees as by this Act hereafter mentioned declared & set down to be the Fee or Fees for such business matter or thing. And that no other or greater Fee or Fees to be by any County Court Clerke or Clerks after this said last day of November next upon any pretence whatsoever Charged Demanded or taken for any business matter or thing by them or any of them done & performed as Clerke of a County Court. Shall in this Act Specially declared mentioned & Set down to be the Fee or Fees for such business matter or thing under the paine of forfeiting & paying for the Same such penalty & forfeiture as hereafter in this Act is made & provided And for the Encouragement of good & able Clerks to be Practised by this Authority aforesaid And it is hereby Enacted that the Clerke of this County Court shall have in the following Table.

Fee of County Court Clerke.

| | |
|---|---|
| For an action & proceeding thereupon | 2 Fees |
| Action | 8 |
| If no further proceedings in said Action then for entry Order for dismissment | 11 |
| But if the Action be further proceeded in then | |
| For Action | 8 |
| For declaration or petition if it be written by the Clerke | 10 |
| If not written by the Clerke then | 5 |
| For entring of the petition or declaracon | 3 |
| For Indorsing & filing of the petition or declaracon both | 3 |
| For Entry of the Order | 8 |
| And if the Action be Continued to another Court then | |
| For returning fines upon the Docket | 5 |
| For entring the Order of that Court | 8 |
| For Indorsing the Court Order upon the declaracon or plea at the Barr | 3 |
| And so every Court the said Action shall be Continued Called & an order made thereon | |
| For returning upon the Docquett | 5 |

For Entring the Order — 8
For Indorsing the Order upon ye Declaracon or plea — 3
And if in Tryall of the action any Evidences be made use of then
for every Oath taken in Court viva voce or for the Oath of Plaintiff or Defendant — 5
For Entring the Subpena of every Evidence — 10
And if a Deposition be taken in Writeing.
If the Clerks Write it for that Deposition not more then — 10
And if the Clerks do not Write it then — 5
For Indorseing & fileing that Deposition both — 3
And if the party Requires the Deposition to be Recorded.
For Recording the said Deposition but not otherways — 10
And if any plead, Replication, Rejoynder, Surrejoynder, Rebutter, Surrebutter be made in Writeing.
For every such plea, Replication, Rejoynder, Surrejoynder, Rebutter & Surrebutter if the same be Written by the Clerks — 10
If not Written by the Clerks — 5
For entring each of the same — 3
For Indorseing & filing each of the same — 3
And if a Jury be made use of in the action.
For Recording the summons of the Jury & their Oath not more Cut — 10
For Recording the Verdict of the Jury — 10
And if in the action there be a Survey of Land.
For Recording the Report of the Surveyor & for Indorseing & filing the same — 20
For Recording the Report of the Jury Indorseing & filing — 20
And if in the action there be a Report of Auction.
For Recording the Report of the Auditors & Indorseing & filing the same — 20
And for all papers made use of in every all of Election and Sale Bond Account &c. which are filed with the Declaration
For Indorseing & filing each paper — 3

## Appeales

And if upon a Judgment Given there be an appeal to the Gen: Court
For Order & Copy of the Appeals — 16
For Order & Copy of the Security — 16
For the Bond — 10
For Recording the Bond when it is Signed and not otherways — 10
For Recording the Acknowl: of the Bond if Signed and not otherways — 10
For returning the Appeals & Security to the Secretaries office — 30
And if upon an appeals any Clerks return to the Secretaries office any more of the proceedings of the

County Court allowed for order declare Court for pleading
when the Judgment from w^ch the appeal is made
is shall demand no fee for the same but if
Plaintiff or Defendant demand any Copies for
their perticulars they shall pay for them
according as it is ordered in this Act.

And if either plaintiff or Defendant in this Tryall
of an action imploy one or more Attorney
or Attorneys Shall.
For entring every such Attorney upon the Docquett
once for and Cause - - - - - - - - - - 12

And if a Warrant of Attorney be nil recipi) then
For the said Warrant recording - - - - - - 10
For indorsing & filing ye Warrant both - - 3

And if an Execution be had upon a judgment.
For Execution - - - - - - - - - - - - 18
For entring ye time of issuing ye Ex^on in the Margent
of ye record - - - - - - - - - - - 3
For recording the returne of the Execution - 10

If the Ex^on not returned because it is ye Sheriffs or
the parties Duty to make returne - - - - -

For an attachment & proceedings therein more
then Ordinary action.
If upon citation brought an attachment
be granted the Lords of this Court to make all points
as to be forfeited for the action. And
besides that if the Order for an attachment &
proceedings
For a Copy of ye Order - - - - - - - 8
For the attachment thereupon - - - - - 15

And if the next Court the attachment be returned
Executed but not else.
For returning the attachment - - - - - 5
For recording the returne - - - - - - 20
For Indorsing & filing the attachm^t both - 3

And if an appraisement be ordered.
For Order & Copy appointing Appraisers & Justice to
swear them - - - - - - - - - - - 16
For recording the appraisement report - - - 20
For Indorsing & filing the same both - - 3

And if an attachment be Granted by a Justice of
the peace & ye returned & Executed to Court.
For entring the attachment upon ye Docquett - 5
For the petition or declaration if writt by ye Clerk - 10
If not writt by the Clerk - - - - - - 5
For Indorsing & filing the petition both - - 3
For entring the petition - - - - - - - 3
For recording the returne of the attachment 20
For Indorsing & filing ye attachment both - 3
For entring Judgment - - - - - - - - 8

And so on in other attachments for appearances
Imparlances for Continuances from Court to Court
& for like Continuances upon action. — n.

For a Suit in Chancery the Costs to be in all points
as in Suits at Law for the action Except that for
a Bill in Chancy Writ & ordinary Declaracons
in one Side of the Sheet — — — — — — 20

And if otherwise every Side of a Sheet Except
the first to Exceed Twenty — — — — 10

For petitions Complaints in Writing or Informa-
tions Except of Constables Surveyors of the
highways Grandjury men & other Officers
to the County Service.

For a petition Complaint or Information for or
concerning any matter or thing.

For the petition & Writt by the Clerke — — 10
If not Writt by the Clerke — — — — 5
For entring & filing the petition both — 3
For entring Order thereupon — — — — 8

Upon the said petition Cause removed to another Court
from the Charge for returning other pro-
ceedings thereupon from Court to Court &
for the action.

For a Writ fieri facias — — — — — — 10
And all other proceedings thereupon & for an
Action — — — — — — — — 5

## Deeds & Conveyances.

And if a Deed be acknowledged for Land.

For the Order — — — — — — — — 8
For recording the Deed — — — — — — 30
For acknowledgm. recording & acknowledgments &
Indorsing the same upon the Deed — — 25

And if the Deeds be Lease & Release acknowledged.

For the Order for record Deed — — — 8
For recording Lease — — — — — — 30
For acknowledgm. record: acknowledgm. &
Indorsing & acknowl. upon Lease — — 25
For Recording Release — — — — — 30
For acknowledgm. & record: acknowl. & Indors-
ing acknowl. upon Release — — — 25

And if a Bond be for performance of Covenants
acknowledged.

For Order for recording Bond — — — 8
For recording Bond — — — — — — 20
For recording acknowledgment Bond & Indors-
ing acknowledgment upon Bond — — 10

And if a Deed be for any personal matter or
acknowledged.

For Order — 8
For recording the Deed — 20.
For acknowledgmt recording & acknowl & endorsing the acknowledgmt upon ye Deed — 10

And for relinquishment of Dower.
Order — 8
recording relinquishmt of Dower — 20

## Letters of Attorney & other Deeds proved.

For proving & recording a Letter of Attorney or any other Deed whether the hand & seal be by one two or more Witnesses for all such incident thereunto — 10

## Probats

For a Probate of all & every such incident thereunto if the estate exceed not five pounds or one thousand pounds of Tobacco upon a lawfull apprisement — 50

For such Probate & all such incident thereunto if the estate exceed five pounds or one thousand pounds of Tobacco & be not above fifty pounds or ten thousand pounds of Tobacco upon lawfull apprisement — 150

For such Probate & all such incident thereunto if the estate exceed fifty pounds or ten thousand pounds of Tobacco upon lawfull apprisement — 250

And for every Probate & all such incident thereunto where the Executor doth not within four months after the Probate bring in an Inventory & Valuation of his Testators estate — 250

## Administrations

For a Comission of Admon upon an estate not exceeding the Value of five pounds or one thousand pounds of Tobacco upon a lawfull apprisemt. and for all such incident thereunto — 50

For a Comission of Administracon for all such incident thereunto if the estate exceed five pounds or one thousand pounds of Tobacco upon lawfull apprisement & do not exceed fifty pounds or ten thousand pounds of Tobacco — 150

For a Comission of Administration & for all such incident thereunto if the estate

Exceed fifty pound or Ten thousand pound of Tobaccos upon Lawfull appraisement — — 250

## Adminstrations with & Will annexed.

For a Commission of Adminstracon with ℔ Will annexed & for all Incident thereunto if the Estate exceed not five pound or one thousand pound of Tobacco upon Lawfull appraisement 50

For such Commission of Admon with Will annexed and for all Incident thereunto if the Estate exceed five pound or one thousand pound of Tobacco & doe not exceed fifty pound or Ten thousand pound of Tobacco upon Lawfull appraisement — — 200

For such Commission of Adminstracon with Will annexed & for all Incident thereunto if the estate exceed fifty pound or Ten thousand pound of Tobacco upon Lawfull appraisement 300

For a (Caveat proving) Recording) & all other Incidents relating to it upon any estate — 50

For a Marriage Licence & all Incident to it — 50

For proving) of Right) or Land Certificate issuing) Certificate & all Incident.

If under the Number of ten — — — 13

If above the number of ten & under twenty — 23

If above the number of twenty) — — — 33

For a Dedimus — — — — — — — — 3

For a Copy of the Laws of every Assembly if required by the Grand Jury or any other person 150

For copy of an Inventory or Inventory & appraisement 30

For copy of a Will & Certificate of Probat thereupon 30

For copy of an order of Court — — — — 6

For copy of a Deed for Land Certificate of the Record or Judgment — — — — — 30

For copy of a petition plea & replication) each 10

And for all other Copies not mentioned & Fees Enumerated to be made allowance by Court for entring or recording the thing). — — —

And if a copy be required of any thing above sayd.
For the Search & for not paying for the Copy — — 5
And if such Copy & for the thing be not to be found then only for the Search . . . . . .

| | |
|---|---|
| For a Servant to be brought to be Judged. | |
| For recording Tibago & his Order of Court | 18 |
| And for a Copy of his Paper | 8 |
| For recording Each Acknowledgm. Satisfacon of a Judgment | 10 |
| For a Cavsatt | 5 |
| For a Dedimd | 25 |
| For attendance at a Dedimd & all Subpenas & Rcpts required to attend | 100 |
| For attending at Trapprasement Viterick or in taking Inventorie's if the Clerke be required to give his Attendance but not else. For every days attendance | 100 |
| For a Certificate of a publick Paper above 20 Lb. Value of one hundr'd pound of Tobacco Except for taking up a Runaway to be paid by ye Country | 20 |
| And if it be a Runaway Certificate for party to pay | 20 |
| For a Certificate of any other nature | 10 |
| For Inspection of any perticular Paper or Papers to be desired to be Recorded. | |
| Order For recording | 8 |
| And for Each paper Recorded | 20 |
| For publishing any person to practise at the Court house Door & Giving a Certificate to the Secretary & all Fees & all other Fees incident | 18 |
| For a private Court & attendance Except Orphans Court | 200 |

And to cause the Clerks of every County Court Annually make Entries & Issue Copies for Surveyors of the Highways, Constables, Grandjury men & for taking Lists of Tithables, for binding out Apprentices Orphans & Chusing Guardians & for Several Extraordinary Services for the County where for he is Clerke for which it is Impossible by a Law to Ascertain the Fees being more or less as Occasion is But it Shall for Ever be Setled by the Authority aforesaid. And it is hereby Enacted That in Consideration of all Such Services, the Several County Courts Do

and they are hereby respectively impowered & Required at the laying of the County Levy in each yeare to raise assess & proportion with the said Levy to ye Clerks of their respective Court the Sume of Sixteene pound of Tobacco & Caske & noe more any Law usage or Customs to the Contrary notwithstanding. And Be it further Enacted by the Authority aforesaid & it is hereby Enacted That noe County Court Clerke or Clerks Charge or Demand any Fee for ye copy of any Order of Court or other record unless such copy be required & Sued & Claim. And also that it shall & may be Lawfull for the Clerke of a County Court & the Court Respectively by any person to shew for the sue Order of Court or other record in the book in which such person for his advantage & benefitt in the tryall of his Cause desireth may be read, the charge & demand for the same as much & Sixteene Pounds of Tobacco & Caske & that the Clerke shall Gratis give a Written Copy of the said Order or record. And Be it Enacted by the Authority aforesaid. And it is hereby Enacted, That if any busines matter or thing be from & after the said last day of November next done and performed by any County Court Clerke, or Clerks of the County Court for which there is noe Fee ascertained mentioned or declared in this before recited Table of Fees which County Court Clerke or Clerks shall Charge & demand noe Fee or Fees for the same. And if any County Court Clerke or Clerks shall after the said last day of November next, Charge exact, Demand or take any Fee or Fees for any busines matter or thing by him or them done & performed at the County Court for which there is noe Fee ascertained & expressed & declared in the above said Table of Fees & shall Charge demand or take any more or greater Fee or Fees for any busines matter or thing by him or them done after the said last day of November next then by this Act is appointed, allowed & given

1000 of tobo allowed for County Service.

no fee but w.t is here commanded.

or shall in making up the Costs of an action, Suit in Chancery attachment or any thing else in the aforesaid Table of Fees mentioned & prosecuted advanced Multiplyed & augmented this Act of Costs in or after any other manner way shall or shall be prescribed directed & Commanded shall County Court Clerk or Clerks shall for every offence in all or any of the premisses Cause forfeit & pay the Sume of two thousand pounds of Tobacco & one Moyety to the King most Excellent Majesty his Heirs & Successors towards the better support of this Government & the contingent Charges thereof & the other Moyety to the party injured to be recovered by Action of Debt Bill plaint or Information in any Court of Record in this Dominion in which no Essoyn protection or Wager of Law shall be allowed. **provided.** alwayes & it is hereby further Enacted & Ordained by this Act that all & every person or persons Complaining the forfeiture or penalty of this Act against any County Court Clerk or Clerks for Extortion unjust & Wrongfull Fees Fees shall bring his Suit or Information for the same within eighteen months after the Cause of Action doth arise or be totally barred. And Be it further Enacted by the Authority aforesaid. And it is hereby Enacted, that all & every County Court Clerk account or accounts for Clerks Fees shall be pleadable three years from & after the time this Act Said Account or accounts are made & bee dated but not Long or, And that if within the Said three years any account or accounts of a County Court Clerks Fees or Clerks be Exhibited for payment by the Sheriff of the County, or his Deputy at such time or times as the Said Sheriff or his Deputy may Lawfully Demand & make distress for Levied and the person or persons to whom

penalty for Extortion

time for bringing information limited

how long Clerks Accounts pleadable.

Such account or accounts are Exhibited for pay=
=ment Doe refuse to pay & Satisfy the Same
It Shall & may be Lawfull for the said Sherriff
or his Deputy & either of them to make distress
for the Same. And in Case the said Sherriff or
his Deputy doe not accordingly make distress
where Such account or accounts shall be refused
to be paid & Satisfied the person or persons
from whom the said account or accounts are
due & owing doe pay their quitrent to David
& Shall beside be a Visible estate at the time of
paying their quitrent to David which may
Satisfy & Cleare the account or accounts Such Sher=
=riff or his Deputy Shall be Answerable unto
the Clerke of the County Court for all & every
Such account or accounts as aforesaid
Provided allwayes that if the
Sherriff or his Deputy doe make distress for
want of Tobacco to pay the Clerke's fees in
Specie, the Clerke Shall take Such Goods
distrained. And the Sherriff not to be Answerable
liable to pay the Clerke's fees. And to the end
the Tables of fees in this Act prescribed may be made
publick & known as much as may be to all
persons It is further Enacted by the Authority
aforesaid That every County Court Clerke doe
Write or Cause to be Written a fair Copy of the
aforesaid Table of fees. And Sett up or Cause them
them to be Sett up within two months after
the publication of this Act in the Court
house of the County to which the Clerke
And that if any County Court Clerke failes there=
=in Such County Court Clerke Shall for Such
their failure & neglect forfeit & pay the Sume of
One thousand pounds of Tobacco & Cask. And loyalty
to the King's most Excellent Majesty his Heirs
& Successors For & towards the better support
of the Government & the Contingent Charges
thereof, And the other Moyety to him or them
that Shall Sue for the Same by action of
Debt Bill Plaint or Information in any Court of
Record in this Dominion, wherein no Essoign

Sherriff to make distress for Clerk's fees if refused payment.

the Clerk obliged to take y. distress

a table of fees to be Sett up in the Courthouse by the Clerke.

penalty for neglecting it.

protection or Wages of Law shall be allowed. And Be it Enacted. That this Act Continue in force & Vigor from & after the last day of Novem-ber next. And from thence to the End of the next Session of Assembly.

Expir'd.

13. **An Act** appointing Rangers at the Heads of the four Great Rivers

Whereas it is very necessary & beneficiall for the Defence of this Their Majesties Dominion & the Inhabitants thereof, That Rangers be Levied on the Frontiers of the four great rivers Be it therefore Enacted by the Governour Council & Burgesses of this present Generall Assembly & the Authority thereof. And it is hereby Enacted. That from & after the last day of October next. one Lieutenant & eleven Soldiers well furnished with horses & other accoutrements to be Levied Armed & Mustred to Range & Scout about the Heads of the great rivers & in such other places as shall be most likely to discover any Enemies And that the pay of each officer & Soldier Levied or to be Levyed Armed & Mustred shall be as followeth Viz. The Lieut. or Comander of each party of Soldiers finding himself horse Furniture Armes Ammunition & provision shall have & receive Five Thousand pound of Tobacco & Caske out of the publick Levy for one whole year and so proportionably for a longer or shorter time. And each Soldier finding himself horse Armes Furniture Ammunition & other Necessaries shall have & receive three Thousand pounds of Tobacco & Caske out of the publick Levy for one year & so after that rate for a longer or shorter time. And Be it further Enacted by the Authority aforesaid. And it is hereby Enacted, That the Comander in Chief & their respective Comanders take Care that the said officers & Soldiers be duely Mustred & an account thereof sent from time to time

Rangers appointed

their pay.

Comd. in Chief to take care, the Soldrs be duely mustred.

to the Secretaris Office and forasmuch as-
there is no Certainty of future event and
therefore uncertain how to provide for the ef-
fectuall defence of the Country. And to the
end it may be provided for with the least charge
Be it Enacted by the Authority aforesaid and
it is hereby Enacted That upon any Emergency
all such Soldiers w.th the Governor with the
Consent & advice of the Council shall levy Armes
& Muster for the better Defence of the Country
shall be paid out of the publick levy. And that y.e
Governor may from time to time & at all
times by & with the Consent & advice of the
Council Defraud & dispatch all forces Raised
or to be raised by Virtue of this Act as to the
said Governo. with the advice & Consent of y.e
said Council shall seem most Conducible to y.e
advantage of this their Majesties Dominion. ch. 10.
And Soldiers shall receive pay & be satisfyed
proportionably to the time they shall be em-
ployed in service and after the rate viz.t Each
Captain finding himself horse Armes Am-
munition & provision & all other Necessaries
Twelve thousand pounds of Tobacco & Caske for
one year & so proportionably for a longer
or shorter time. Each Lieutenant finding
& providing himself with horse Armes Am-
munition provision & all other Necessaries
five thousand pounds of Tobacco & Caske for one
year & so proportionably for a longer or
shorter time. And every private Soldier find-
ing & providing himself with horse Armes
Ammunition provision & all other Necessaries
three thousand pounds of Tobacco & Caske for
one year & so proportionably for a longer
or shorter time. And Be it further Ena-
cted by the Authority aforesaid. And it is
hereby Enacted That for the future if any
English or other Christian or Indian shall
bring any Powder or Give any Intelligence to

Power to raise forces conveniant for y.e defence of the Country.

pay of Soldiers wch may be raised.

to any of his Majesties officers Civill or Military such officer or officers to whome this Same shall be brought shall diligently inquire into & Examine the Ground thereof and if such Newes prove true & be of use & Service to the Government, that then he or they bringing the Same shall be Rewarded but if false punished as the Cryme shall deserve. And the County Court where such Intelligence shall be Given are hereby impowered to Consider what reward, such person Bringing Newes & Giveing Intelligence shall deserve and Certify the Same to this next Gen: Assembly. for allowance. And if the Newes & Intelligence be false to cause punishment to be Inflicted on the person telling the Same as the Cryme shall deserve. This Act to continue in force untill the last day of October which shall be in the yeare 1698. and no longer. ##

County Courts impowered to consider a suitable reward to person w^ch bring Intelligence.

# At a Generall Assembly

Begun at James City the twenty fourth day of September in the eight yeare of the Reign of our Soveraigne Lord William the third by the grace of God of England Scotland France & Ireland King Defender of the faith &c. Anno Dom: 1696 And there continued by adjournment untill the 21st. day of October in the Ninth yeare of his Majesties Reign Anno Dom: 1697.

Expir'd.

## I. An Act for Raiseing a Publick Levy.

Be it Enacted by the Governour Councill & Burgesses of this present Gen: Assembly and the Authority thereof. And it is hereby Enacted That the Sume of Sixteene pounds of Tobacco be paid by every Tithable person w^ch in this his Majesties Colony & Dominion of Virginia

for the Defraying & payment of the Publick Charge of the Country bring the publick Levy from the twenty fourth day of September 1696 to this present time. And that it be paid by the Collectors of the Severall Counties, to the Severall persons to whome it is proportioned by this Generall Assembly. And if it shall happen that there shall be more titheables in any County then the present Levy is laid on, then such County to have Credit for so much to the use of the County. And if there shall happen to be Lotts in any County, then such County shall bear the loss.

Examined by

Peter Beverley Clerk of the House of Burgesses.

Viz.a Lawes made only for Repealing of Others & of no other sorte.

March 23. 1665. Act. 11. Free trade. Rep. all Acts concerning Ingrossing

December 22. 1662. Act 22. An Act repealing the Act for Arbitrary judges

September 10. 1663. Act 15. An act repealing the Act for Amerciaments.

September 20. 1664. Act 3. An Act for Liberty to Plant.

Act 8. An act Repealing the Act Concerning Rum.

October 10. 1665. Act 2. A repeal of the Act for defraying the encouragement for killing wolues by a tax upon horses.

Act. 7. An Act Repealing the act of ten shill. p poll

June. 5. 1666. Act. 4. An Act for Repeal of the Act preparatory to a stint.

October 23. 1666. Act. 6. An act repealing the Act to encouragement for killing wolues.

Act. 7. An Act concerning the Salt work at Accomack

Act. 11. An act declareing the people of Lower Norfolke to have equall liberty with other Countries in disposeing their tobacco.

Act 15. An act repealing the acts for encouragem

September. 17. 1668. Act 6. An Act permitting exportacon of horses & Mares.

October 3. 1670. Act. 10. An Act for Repeal of y^e Act about wolues.

September 20. 1671. Act 2. An Act permitting the exportacon of Wool hydes & Furrs.

Act. 5. An Act repealing the act making it death for Indians coming into Henrico County.

October 20. 1673. Act. 5. An Act concerning tradesmen & other Artificers to pay Leuies.

February 20. 16$\frac{7}{8}$. Act. 4. An Act declaring all the Acts Orders & proceedings of a grand Assembly held at James Cit in the month of June 1676. voyd Null & repealed.

Act. 11. An Act disposing Amerciaments upon Actions. repeales part of 3. act. 1674.

Act. 14. An act repealing the Act for encouragement for killing wolues.

Act. 15. An Act giveing Liberty of Appeales to the Eastern Shoar people.

April 25. 1679. Act 5. An Act repealing 129th Act of Assembly in y^e printed book

November. 10. 1682. Act. 6. An Act repealing the 6. act of assembly of June 1680. about Attornies.

April 16. 1684. Act. 3. An Act repealing the Act concerning the pursuit of Runaways.

Act. 6. An Act repealing the Act giving encouragement for the Linen & woolen manufactures.

October 20. 1686. Act 4. An act rep. 17. Act of Assembly made 8. of June 1680

Act. 9. An act repealing the 7. act of Assembly made at James City the 16. day of April 1684.

March 23. 1661. Act 3. Glebes to be laid out. repealed by the 11 act of 24 of September 1696.

Act 9. Mulattoes not to be prosticated. rep: by the first act of 24. September 1696.

Act 12. None to be married but by Ministers nor by them but by licence or publishing the bans rep: by 10: act of 24. September 1696.

Act 13. Churchwardens to make presentments rep: by. 1. act of 24. September 1696.

Act 19. Courts. rep: by 1. act of 16. April 1684

Act 25. The Governor & two of the Councill to go the Circuit. rep. by 22. act of 2. December 1662.

Act 26. Appeales how to be made, rep. by 5 act of 24 September 1696.

Act 27. Amerciaments in the generall Court 50 lb. of tob? for cause in County Courts 30 pr cause rep. by 15 act of 10. September 1663.

Act 30. Penalties for non appearance & evidences rep: by 6. act of 24 of September 1696. so far as relates to the penalties for non appearances & evidences.

Act 40. Fines to be disposed of by the Assembly. diffused.

Act 47. Prisons to be built in each County. rep. by. 5. act of 16. April 1684.

Act 43. Jewellers within the Bills of any prison not to have any benefit thereof rep. by 5 act of 16. April 1684.

Act 48. Appriisement of goods. latter part rep. by 11. act of 10. September 1663.

Act 55. Councellors & ten persons to be exempted out of the levy rep. by 9. act of 20. February 1691.

Act 56. Artificers not planting tobacco free from payment of the levy rep. by. 5. act of 20. October 1693.

Act 57. Councellours to raise a levy. expired

Act. 59. Reward for killing of wolves rep. by. 6. act of 23. October 1680.

Act 74. Quitrents how to be paid repealed by proclamation.

March 23. 1661. Act 78. Bounds of lands to be every four year renewed by the view of the Neighbourhood its part repealed as to the time of prescribing by 14. act of 16 April 1691.

Act 81. judgments & Specialties how long pleadable rep: by 3. act of 24. September 1696.

Act 85. Burgesses Charges ascertained rep. by 13. act of 20: ffebruary 169$\frac{6}{7}$.

Act 92. Chirurgeons accounts Regulated rep. by 4. act of 1. April. 1692.

Act 98. Servants how long to serve rep. by 12. act of 23. October 1666.

Act 100: against fornication. rep. by 1. act of 24. September 1696.

Act 106. No tobacco to be planted after 10th of July. repealed. by 3. act of 20: September 1684.

Act 108. for improvement of staple commodities rep: by 15. act of 23. October 1666.

Act 109. Act for Mulberry trees rep. by 15. act of 23. October 1666.

Act 110. Encouragement to build Vessells rep by 15: act of 23. October. 1666.

Act 111. Cannoes to be erected. expired.

Act 115. Exportation of hides rep. by 2. act of 20: September 1691.

Act 117. Size of Virginia hogsheads rep. by act 5 of 18. April 1695.

Act. 120: Supply of Ammunition. provided for by a later act.

Act 123. No: mares or sheep to be transported rep: by 6. act of 17. September 1668.

Act 124. Against selling of Rum out in Plantations appointed rep. by. 8. act of 20: September 1661.

Act 128. Imposition of two shillings per hogshd rep. by 3 act of 8. June. 1680.

Act 129. every Inhabitant in Northumberland & Westmorland Counties to give an acct. how many hogsheads of tob: they made & to whom sold rep. by 5. act of 25. April 1699.

Act 130. payment of Port Duties in Account rep. by 3. act of 8. June. 1680.

March 23. 1661. Act 131. Ten shillings p hogshd rep. by 7. act of 20. Octob. 1663

× Act 132. Castle Duties to be paid rep. by 3. act of 8. June 1680

× Act 133. Ships to come up to James City Towns to be rep. by 2. act of 7. September 1668.

× Act. 135. A publique Notary appointed. expired

Act 136. Acts Concerning the Indians a clause of the said act about buying rep. by 9. act of 16. April. 1691.

also another clause of s. Act about the Slavery of Indians brought in Towns to be rep. by 1. act of 10. November 1682.

Act 137. Clerkes fees to be paid. part rep. by 12. act of 24. September 1696.

× Act. 138. Interpreters made for the Country expired.

December 23. 1662. Act 12. An Act for Molatto Children being bond or free to serve according to the Condition the mother rep. by 1. act of 24. September 1696.

× Act 14. An Act ascertaining Damages upon bills protested rep by 18. Act of 23. October 1666.

× Act 15. An Act impowering Counties or parishes to make by laws rep. by Governors proclamation 1685.

× Act 16. An Act for building a Town. expired.

× Act 17. An Act for the Imposition of 2s pr hh rep. by 3. act of 8 June 1680.

× Act 18. An Act concerning Castle duties rep. by 3. act of 8. June. 1680.

× Act 19. An act imposing a tax upon horses rep. by 2. act of 10 October 1665.

× Act 20. An Act of Encouragement to buy Negroes rep. by 15 act of 23. October 1666

× Act. 21. An act for Handicrafts men to pay Levies expired.

× Act 23. An Act Concerning Hydes rep. by 2. act of 20. September 1631.

September 10. 1663. Act 3. An act prohibiting the exportation of Deer Skins or Calve Skins rep. by 2. act of 20. of September 1631.

× Act 5. An Act for the better payment of 10s pr hh. rep. by 3. act of 10 Octob. 1665

## Virginia Laws Repealed or expired.

September 10. 1663. Act 6. An Act concerning the Saltworks at Accomack. rep. by. 7. Act of 23. October 1666.

Act. 8. An Act concerning the Pursuit of Runaways rep. by 3 Act of 16. April 1684.

Act. 12. An Act concerning a Stint rep. by 3. Act of 20. September 1684.

Act. 13. An act restricting the time for planting Mulberry trees. expired.

September 20. 1661. Act 5. An Act Concerning Regulating Secretaries office. last clause. rep. by. 12. act of 24. September 1696.

October 10. 1663. Act 3. An Act prohibiting the Sale of Armes to the Indians rep. by 9. Act of 16. April. 1691.

Act. 4. An Additionall Act for better reframing the exportacon of hydes rep. by 2. act of 20. Septembr. 1671.

Act 9. An Act concerning y. building of a fort expired.

Act 10. An Act preparatory to a Stint or Cessation. rep. by 4. act of 5. June 1666.

June 5. 1666. Act. 1. An Act for a cessation. expired.

Act. 3. An Act for altering the day of the generall Court rep. by 1. act of 16. April 1684.

October 23. 1666. Act 1. An Act for a Cessation expired.

Act 2. An Act how debts are to be paid the Cessation year expired.

Act 3d. An Act for Valuation of Commodities for payment of publique dues expired.

Act 8. An Act prohibiting Indians to come into Hounico County rep. by 5. act of 22. Sep. 1675.

Act 9. An Act for Supply of Ammunition expired. in regard Countys cannot make by-laws.

Act 10. An Act for setting up Looms in each County expired.

September 3. 1663. Act. 1. An Act for tobacco of Maryland growth to be Commodities expired.

Act. 5. An Act against exportacon of Corn exp.

Act. 7. An Act for Forts to be built in each River one part of Each end latter dispensed with all by 2. act of 17. Septembr. 1668.

## Virginia Laws Repealed or expired &c.

September 17. 1668. Act 1. An Act for establishing a fast. expired

Act 3. An Act about damages in Appeals rep. by 5. Act of 24. September 1696.

October 20. 1669. Act 9. An Act for destroying wolves rep by 10. act of 3. October. 1670.

October 3. 1670. Act 11. An Act for the better payment of ye ffragnet. rep. by 3. act of 8. June. 1680.

Act 12. An Act declaring who shall be Slaves rep. by 1. act of 10. November 1682.

September 20. 1671. Act 3. An Act for Naturalizacon provided for by 2. act of 8. June 1680.

September 24. 1672. Act. 6. An Act Condemning Masters of Ships & Collectors Comes to be repealed & is fully provided in the 3. act of 8. June 1680.

Act 8. An Act for the apprehension & Suppression of Runaways Negroes & Slaves. expired.

October 20. 1673. Act 2. An Act providing for the Supply of Arms & Ammunition. expired

Act 4. An Act for the advancement of the manufactory of flax & hemp expired.

September 21. 1674. Act. 1. An Act for an Address & Supplication to be made to the Kings most excellent Majesty rep. by 11. act of 20. february 1676.

Act 2. An Act for the continuance of 200 ℔ Stert. paund over & above the 1000 ℔ Stert paid. to S.r W.m Berkeley Kn. Govr. exp.

Act. 5. An Act impowering mr. Secretary Ludwell as Notary publique to appoint Deputies. expired.

March 7. 1675/6 Act 1. An Act for the Safeguard and Defence of the Country against the Indians expired.

Act. 2. An Act prohibiting trade with the Indians exp. by 3. act of 10 October 1677. or Act 9. 1691.

Act. 3. An act prohibiting the exportation of Corn expired.

June 5. 1676. Act. 1. An Act for raiseing men &c against the barbarous Indians

2. An Act concerning Indian trade & traders.

3. An Act concerning Indian slaves deserted.

4. An Act for suppressing of Tumults routs &c.

5. An Act for the regulateing of Officers & offices.

6. An Act for choseing of Burgesses.

7. An act enabling freemen to vote for Burgesses & prohibiting Lifeholders.

8. An Act for Representatives to vote with the Justices at every County & making by-Laws.

June 5. 1656. Act 9. An Act for County Courts to appoint their Collectors and disabling Commissioners to vote in County Courts.
10. An Act for limiting Sheriffs &c. a time to do and the deeds for lands to be made them.
11. Two justices of the Quorum to signe probates &c.
12. Conductors and Ministers families to pay levies & money allowed them.
13. An act altering the encouragement for killing wolves
14. An act for the further prevention of mischiefs from unruly horses.
15. An Act against exportation of Corne.
16. An act for the suppression of Ordinaries.
17. An act limiting the bounds of James City.
18. An act repealing laws concerning Accom. & Northampton.
19. An act of generall pardon & oblivion.
20: An act disabling Edward Hill & Tom Hyde to bear office.
Repealed by the Kings Instructions and 1. Act of 20: ffebr. 16[illegible]

ffebruary 20. 1656 Act. 1. An Act of Indemnity & free pardon rep by proclamacon 1660.
Act. 2. An Act of Attainder. rep. by proclamacon. 1660.
Act 3. An act inflicting paines personall & fines upon great offenders rep. by proclamacon. 1660.
Act 5. An Act for reliefe of such loyall persons as have suffered loss by the late Rebells rep: by proclam: 1660
Act. 8. An Act limiting time of receit & payment of publique tobacco rep. by proclamacon 1685.
Act. 12. An Act concerning Servants who were out in the Rebellion rep. by proclam. 1660
Act 13. An Act for the laying of Parish levies rep: by proclamacon. 1684
Act. 16. An Act giveing seven years time to load frontier Lands. Expired.
Act. 18. An Act for setting apart a Day of Humiliation & a day of thanksgiveing. Exp.
Act. 20. An Act for Opening Courts of Judicature. 3 ffebr 16[illegible]

October 10. 1677. Act 3. An act tyeconeing trade with Indians rep. by 8 act of 8. June 1680
Act. 6. An Act for the imposition of 2s. on every five hund. lbs. Bulk tobacco. rep by 3. act of June 8. 1680.
Act 7. An Act for delivery of Stray horses &c. rep by proclamacon 1680.
Act 11. An act declareing the year 1676. to be out of the Statute of limitacon expired.
Act 12. An Act for signing Executions on judgements in the Assembly. rep. by proclam. 1684

April 25. 1679. Act 1. An Act for the defence of the Country against the Incursions of the Indian Enemy rep: by 7. Act of 16. April 1684.

× Act. 3. An additionall & Declaratory Law impowering County Courts to make by-laws rep. by proclam: 1686

June. 8. 1680. Act 4. An act for continuation of the severall fortifications & garrisons at the heads of the four great Rivers rep. by 7. act of 16. April. 1684.

× Act. 5. An Act for Cohabitacon & encouragement of trade and manufacture, provided for by a later Act.

× Act. 6. An Act impowring & ascertaining Attournies fees rep. by 6. act of 10 November 1682.

× Act. 8. An Act concerning free trade with Indians expired.

× Act 12. An Act prohibiting the Exportation of Rawhides and Deer skins. repealed.

× Act 16. Additionall act for ascertained to County Court Clerks. rep. by 12. act of 24. September 1696.

× Act 17. An Act restraining Striking & killing fish at unseasonable times rep. by 4. act of 20. Octobr. 1686.

November 10. 1682. Act 4. An Act prohibiting the Exportacon of any sort wool woolfells Skins hides or leather rep. by proclam. 1684 & expired.

× Act. 7. An Act disbanding the present Soldiers in garrison in the parts at the heads of the severall Rivers also for the raising of other forces in their stead rep. by 5. act of 16. April 1684.

× Act 9. An Act. repealing an exception in the 9th act of assembly made June. 1664. rep. by proclam. 1684

× Act. 11. An Act for the encouragemt. of the manufacture of Linen & woollen cloath rep. by 6. act of 16. April 1684

× Act 12. An Act for the advancement of manufactures of the growth of this Country & for the better & more speedy payment of Debts & Lords. expired.

× Act 13. An Act for the Publique Levy expired

April 16. 1684. × Act 5. An Act for the better defence of the Country rep. by 9. act of 20. October 1686.

Act. 7. An Act for leaveing the Levy by the poll & laying an Imposition upon liquors, expired

× Act. 9. An Act for the Publique Levy. expired.

October 20. 1686. Act 3. An Act reviveing the Act ent. An Act for y. advancement of manufactures of y. growth of this Country &c. rep.

× Act. 5. An Act ascertaining dayes for Courts in each County. rep. by 2 Act of 24. Septr. 1696.

× Act. 7. An Act declareing the 109. act of assembly made 23 March 1662 to be in force. the clause of said Act prohibiting planting after the last of June annually. rep. by 4. act of 24. Septembr. 1696.

# Virginia laws Repealed or expired &c.

October 20. 1686. Act 8. An Act for the better improveing the breed of horses. expired.

† Act 10. An act continueing the Imposition upon liquors, expired.

† Act. 11. An Act for Raiseing a Publique Levy expired.

April 16. 1691. Act 6. An Act reviveing the Act for advancement of the manufactures of the growth of this Colony &c. expired.

× Act. 11. An Act for the more effectuall Suppressing the blasphemous Curses & offences of Swearing cursseing Prophaneing Gods holy name, Sabbath abuseing Drunkenness fornication & adultery. rep. by 1. act of 21. Sept. 1696

× Act 13. An act enjoining the planting & dressing of flax and hemp. expired.

× Act. 15. An Act for the better defence of the Country rep. by 1. act of April 1692

× Act. 19. An Act for supporting the Levy by the poll & laying an Imposition on liquors. expired.

× Act 18. An act appointing a Treasurer. expired.

† Act 21. An act for Raiseing a Publique Levy. expired

March 2. 169½. Act. 1. An act for Suspending the Execution of the act for Ports. expired.

× Act. 6. An Act for continueing the Rangers at the heads of the four great Rivers expired.

× Act. 7. An Act for Raiseing a Publique Levy. expired

October 10. 1693. Act. 1. An Act appointing Rangers on the frontiers of the four great Rivers. expired.

× Act. 3. An Act ascertaining the place for erecting the College of William & Mary in Virginia. effected.

× Act. 5. An Act for Raiseing a Publique Levy to be paid in the year 1694. expired.

April 18. 1695. Act. 1. An Act appointing Rangers at the heads of the four great Rivers expired

× Act 2. An Act for supporting the Levy by the poll & laying an Imposition upon liquors expired.

× Act. 3. An Act impowering the Governor with the advice of the Councill to apply 500 l. out of the Imposition upon liquors paid this Assembly to the assistance & preservation of New Yorke if found necessary effected.

× Act. 6. An Act for Raiseing a Publique Levy &c.

September 22. 1696. Act. 14. An Act for Raiseing a publique Levy expired.

Militia Laws Repealed or expired &c.

Aprill 1. 1691. Act. 1. An Act for better defence of the Country
× expired.
× Act. 7. An Act for Raiseing a publique Levy &c.

## Private Acts.

September 24. 1692. Act 11: An Act for Naturalization of Joshua Mulder Henry Woodrick & others.

October. 20. 1693. Act 6. An Act for inabling the Countie of Isle of Wight & Lower Norfolk to erect each of them a Court.

Act. 7. An Act for the naturalization of John Peterson Rowland Anderson & others.

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September 21. 1694. Act 3. An Act ascertaining the bounds of the Countie of Isle of Wight & Nansemund.

Act 9. An Act for Setling the Lands at the Green Spring in the Ct. hono. Sr. Wm. Berkeley his heires & assigns.

Act 10. An act for setling the Lands conveyed from Sr. William Berkeley & Dame Frances his wife to Coll. Wm. Cole his heires & assigns.

March. 7. 1695. Act. 4. An Act for the naturalizacon of Christian Peterson.

February. 20. 1695 Act 19. An Act of Naturalization for Garrot Johnson.

Aprill 25. 1699. Act 10. An Act for the naturalization of Abraham Vuicker, John Michaell, Jacob Johnson, John Pimmil and John Kotow.

Act. 11. An Act enabling Major Lawrence Smith & Capt. William Byrd to Sell certain lands at the head of Nappahance River & Hanover River.

Aprill 16. 1684. Act. 10. An Act enabling Richard Littlepage &c. to Sell Lands for payment of the debts of Samuell Aythedeed.